

VOLUME -II

1	<u>ANNEXURE R-6</u> A true copy of the minutes of meeting dated 07.08.2008	252-267
2.	<u>ANNEXURE R-7</u> A true copy of the minutes of meeting 04.11.2008	268-269
3.	<u>ANNEXURE R-8</u> A true copy of Cabinet Secretariat Office Memorandum dt. 22.01.2009	270-272
4	<u>ANNEXURE R-9</u> A true copy of the Gazette notification dated 28.01.2009	273-278
5	<u>ANNEXURE R-10</u> A true copy of the notification dt. 2 nd July 2009 issued by the Govt. of India	279-281
6	<u>ANNEXURE R-11</u> A true copy of the Office Memorandum dt. 22.01.2009	282-284
7	<u>ANNEXURE R-12</u> A true copy of the order dated 03.07.2012 passed by the Court of XVI ADDL. City Civil and Sessions Judge	285-293
8	<u>ANNEXURE R-13</u> A true copy of the Execution Petition filed before the Court of Addl. City Judge at Bangalore in Ex. Case No.1145/2013 in OS No. 8118/2011 8181/2011	394-399

9	<u>ANNEXURE R -14</u> A true copy of the Writ Petition filed before the High Court of Delhi at New Delhi	300-362
10	<u>ANNEXURE R-15</u> A true copy of the Order dated 30.04.2014 passed by this Hon'ble Court in IA 1/2014 in contempt petition No. 144/2014 in W.P.(C) No. 494/2012	363-367
11	<u>ANNEXURE R-16</u> A true copy of the NIPFP report dt. 9.11.2012	368
12	<u>ANNEXURE R-17</u> A true copy of the relevant press brief related to Cabinet Decision dated 27.1.2012	369-372
13	<u>ANNEXURE R-18(COLLY)</u> (i) A true copy of the letter dt. 17/22.01.2011 (ii) A true copy of the FIR dt. 05.01.2011 FIR No.1	373-377 379-386
14	<u>ANNEXURE R-19 (COLLY)</u> (i) A true copy of the Office Memorandum dt. 22.01.2009 (ii) A true copy of the Office Memorandum dt. 14.02.2011 (iii) A true copy of the Office Memorandum dt. 13.07.2011	387-396 397-398 399-401
15	<u>ANNEXURE R-20</u> A true copy of the Request for Empanelment (RFE) issued by the UIDAI dt. 19.05.2014	402-491

DRAFT

252

Minutes of the Third Meeting of the EGoM to collate two schemes- the National Population Register (NPR/MNIC) under the Citizenship Act, 1955 and the Unique Identification Number (UID) project of the Department of Information Technology(DIT)

Date: 07.08.2008

Venue: 162, Committee Room South Block

Time: 18.30 PM

Participants : List attached

1. The meeting began with the Chairman inquiring about the progress of NPR. On this Secretary, Ministry of Home Affairs (MHA) briefed the members on the action taken and progress so far, with reference to the directions of the EGoM at its second meeting. He stated that the schedule for NPR to be canvassed along with census 2011 is under finalization. At the same time, ground work on pilots for testing the feasibility of incremental enumeration of NPR based on UID has been initiated. Fourteen locations spread across six States have been indentified for the purpose of the

first pilot/PoC. Field enumeration is proposed to be taken up in September and would be completed within a month. Schedules and their formats for the enumeration during the PoC have finalised.

2. Deputy Chairman, Planning Commission (PC) referred to the decision of the last (2nd) meeting of the EGoM wherein PC had been directed to prepare a proposal for establishment of the UID Authority. He stated that while comments of Finance Ministry on the proposal, circulated at the meeting, need to be examined but on the issue of nature of the nature UID Authority of India (UIDAI), it may come into being as an executive body initially but it will have to become independent later as a statutory entity. He requested that the members may take up a proposal for substantive consideration in the EGoM and then seek final approval of the Prime Minister. This submission was followed by a presentation of the proposal by Adviser, PC Dr. C. Muralikrishna Kumar.
3. Salient features of the presentation included strategies for covering non adult residents as the present concept covers age group of 18 years and above based on the ECI database. This can be done through specific initiatives for covering the

residents in the age group 0-18 years through the creation of the National Students' Register to capture the age group 6-18 years. ICDS and NRHM data for capturing age group 0-5 years and National Birth & Death Register. These would flow from the existing initiatives undertaken by respective Ministries/Departments. In addition, creation of Unique Identity for Geographic Location (UIG) is a necessary counterpart of the UID for individuals as individuals have a root and are linked to place of birth and/ or place of residence. Creation of an Asset Register for development deliverables would help in better targeting and arrest leakages of funds for developmental activities. The presentation also enumerated on aspects like Field verification, enumeration and validation; the Governance structure, institutional framework for the UID Authority of India; Broad activities & timelines; financial requirements and the Specific approvals sought from the EGoM.

4. Remarks by the Members

(i) Shri Shivraj V Patil Minister of Home Affairs

He expressed his general endorsement of the core objectives, overall design and approach of the

2855

scheme and the proposal of the PC for establishment of the UID Authority. Since the Home Minister was to leave for another meeting, he assured his support to whatever was decided by the EGoM

(ii) Shri A Raja, Minister of Communications and Information Technology

While expressing his agreement with the proposal, he referred to the DIT's comments on the proposal circulated at the meeting, and suggested that the PC may indicate a specific date by which the UID would be available to an initial set of users for delivery of welfare services to the residents. He also suggested that the field verification for establishing linkage between the UID database on the one hand and BPL and PDS databases on the other, should be done concurrently and not separately in view of the time and cost of the effort as well as logistical convenience.

(iii) Shri Mani Shankar Iyer, Minister of Panchayat Raj

He drew attention of the members to the minutes of the last EGoM in particular to para 4 (vii)

pertaining to leveraging of PRIs to the maximum extent feasible in collection, validation of data and its cross linking with databases of other designated agencies. He reiterated that while the objective of covering all residents is commendable, PRIs involvement in the whole scheme has to be incorporated and institutionalized as they are closer to the field reality. Adoption of appropriate strategies is therefore, essential for leveraging PRIs optimally and to this extent, an expert in PRIs must be made a member of the proposed National Advisory Body of the Authority.

He stated that it must be appreciated that Panchayat Raj institutions at the field level are ideally suited to handle field level verification and validation and in most states they are already notified as the agency for registration of births and deaths. Instead of over dependence on the bureaucratic machinery there must be a systemic shift towards the panchayat setup keeping in view their open and participatory processes of decision making. Credibility and ownership of the UID processes (which should include updation of data by PRIs post its creation) would be enhanced with

the involvement of the PRIs. Referring to the Gairola Committee Report he also mentioned that all PRIs would be interconnected enabling completed transparency of their working and fund utilization. The Plan Plus application developed by NIC would enable all data relating to a village and its development being made available on a single platform.

Referring to the proposed Unique Geographical Identifier (UIG) and codification of regions up to habitation level he expressed hope that this would help in operationalising the provisions of the Panchayat (Extension to the Scheduled Areas) Act. Wherein village is defined as a habitation, more accurately and effectively. A comprehensive Asset Register (as indicated in the proposal) at the village level will also be of great value in management and identification of assets locally.

He Concluded by stating that the UID superstructure could be well served by the PRIs at the field level if this suggested strategy is adopted.

(iv) Shri H.R. Bhardwaj Minister of Law & Justice

He observed that the proposal of the PC is comprehensive and it would be prudent to establish the authority first and the modalities and funding pattern can be worked out subsequently, as in view of the federal structure of the country, the States would also have to be consulted and involved. He stated that the EC data is well tested and is certainly mature enough for use as proposed.

(v) Shri Montek Singh Ahluwalia Deputy
Chairman Planning Commission

In response to some of the observations made during the discussions, the Deputy Chairman PC, averred that the question of whether the authority should be under the aegis of PC or not, is an issue that EGoM had decided and the present proposal has been tabled as per the direction of EGoM. The Planning Commission was not averse to the whole initiative including the proposed UIDAI being brought under the purview of any other ministry or organization. A strategic decision needs to be taken whether to build the UID progressively on existing databases such as Electoral Roll/ EPIC and BPL in a manner that would feed into the NPR as and when it comes into existence (thereby

enabling a double check on the NPR) or to wait till the NPR comes into being as the mother database in 2013 and thereafter put in place linkage processes to operationalise UID.

He emphasized the tremendous benefits that could flow out of register based UID – be it tracking of movement of residents, conferment of benefits of government programmes in a targeted manner or monitoring of their credit profile by Financial institutions. He emphasized that this initiative is very critical for modernizing the country as a whole and in this context he also mentioned the recent launch of the Rashtriya Swasthya Bima Yojana where beneficiaries would be provided with smart cards for availing of health related benefits on similar lines that is envisaged under the UID schemes.

He agreed to the suggestion of the Minister Panchayati Raj that the UID Authority could include PRI experts. On the observation that the proposed structure was top heavy he stated that PC was open and willing to consider any suggestions in this regard.

5. Other remarks

Secretary, MHA reiterated his agreement with the overall approach to convergence of UID with NPR as agreed upon at the last meeting of the EGoM. However, he was of the view that the present proposal has projected a far wider scope than what was initially envisaged and this needed to be examined as some parts of it did not appear to be necessary. He drew particular attention to an element in the proposal tabled by the PC that presently nonexistent databases would be created and developed under the aegis of the UIDAI. He felt that this appeared unnecessary and could impact the UID timelines adversely. Secretary, MHA further opined that the proposed structure of the UIDAI seemed top heavy and could be suitably pruned.

He proposed that the MNIC/NPR project of the MHA would be implemented over the next two to three years alongside the census operations. Comprehensive data collected as part of the NPR should become the mother database with photographs and finger biometrics of each individual, which could then be utilised by various agencies to deliver benefits. Whether efforts should

be undertaken to build new departmental databases such as National Students Register, National Birth & Death Register etc. in the meanwhile to make UID data more comprehensive, was an issue that needed to be examined and considered. The mother database of NPR, once in place, could then be updated by PRIs through the 100,000 Common Service Centres one each for a group of 5-6 villages that DIT would be establishing across the country under the National eGovernance Plan. It would be pertinent at the point of time to consider whether the UID authority should have a statutory basis or not. The establishment of UIDAI then as a statutory authority would need to be perceived along with the extant provisions of the Indian Citizenship Act, under which the RGI is the National Registration Authority. Any independent statutory arrangements envisaged for UID would need to take these existing provisions into account.

Secretary PC submitted the UID-MNIC-NPR data would provide a comprehensive coverage of the residents. The proposal tabled by PC is to establish UID by building on the existing databases that have

been identified and to seed Electoral/EPIC data with UID to serve as a basis for incremental enumeration under NPR to the extent feasible. The alternative is to not do anything now and wait for the NPR to be made available after 2013 before operationalising the UID. He mentioned the vast sums of money running into lakhs of crores of rupees that the government was spending on various welfare and social sector programmes and the need for more efficient and effective targeting that the UID would enable. He was of the view that it was not advisable to wait till NPR was ready and whatever action was considered feasible and desirable in the meantime should be taken.

Referring to the observation of Minister PR relating to the creation of an asset register, he clarified that the register is envisaged as a by product of the UID initiative that could be built by any user department for its use.

He reiterated that as pointed out in the proposal, UIG and personal identification once in place will greatly impact the efficiency and effectiveness of government delivery system. The Authority can be

263

anchored initially in the PC as an interim arrangement and later can become independent.

On the suggestion of MoC & IT of when UID would be available for use be clearly indicated, he clarified that ideally this should be possible by April, 2009 but keeping practical problems that could arise on the ground, it would be more realistic to aim for Sept 2009 as the timeline by which the UID can be put to limited use based on its initial linkage with Electoral Roll./ EPIC data.

On the suggestion of conducting concurrent field verification and linkage of UID with BPL and PDS he agreed that the suggestion would optimize time and effort and stated that as it is for States to decide on the modalities of this exercise, we could consider directing the States to take up the exercise concurrently as far as possible.

6. Chairman's Concluding Remarks.

Concluding the discussion, the Chairman appreciated the proposal drafted by the PC and observed that it is comprehensive in content. The source data for covering the residents exhaustively has also been elaborately laid out.

He pointed out that many important issues have been raised by the members present and in the written comments conveyed by the Finance Minister and other various ministries involved. He also commented on the need for examining the role of PC with reference to the proposed UIDAI in light of the ARC recommendations of 1965.

The resolution of some of these issues (as compiled and annexed to the minutes as Annexure) would require detailed and in depth discussions which could more appropriately be had by an official level committee. He directed that a Committee of Secretaries should examine the various issues raised and give its recommendations to EGoM to facilitate a final decision in the matter at the earliest.

Annexure

UID ISSUES TO BE RESOLVED BY COS

1. Should the UIDAI be a statutory or executive authority ?
 - a. If statutory, at what state-initially or later?

- b. If statutory, how would this role be reconciled with statutory role of National Registration Authority under Citizenship Act?
2. Should be supplementation of ECI data in respect of under 18 residents be undertaken by UIDAI building, directly or indirectly, National Register of Students, National Register of children/infants and National Register of Births and Deaths or should this additional information be extracted as a sub-set from the NPR being compiled by RGI as and when it is ready?
3. What should be the specific role of PRIs in line with the decision of the 2nd EGOM?
4. Should the scope of activities of UIDAI cover the following extended set of activities proposed by PC?
- a. NRS
 - b. NRC
 - c. NRB&D
 - d. National Register of Assets
 - e. Unique Geographical Identity Code up to habitation level
5. Should the UIDAI be established under the PC in view of ARC recommendations of 1965 giving PC only a recommendatory role? If not under PC, under which ministry/department/organization/authority should it be anchored?
6. Is the staff size of the UIDAI proposed justified? Is the superstructure appropriate?

7. Should the UIDAI at central and state levels be a central authority as envisaged in the proposal of the Planning Commission or should it follow the ECI basic framework in respect of structure at central and state level as well as the relationship between central and state set up?
8. What should be the target date for the UID to be made available for usage by an initial set of authorized users?
9. Should the cross-verification of UID with BPL and PDS be carried out simultaneously or sequentially? Should the linkage with BPL be done with existing data of BPL Survey of 2002 or proposed BPL Survey of 2007 (yet to be undertaken)?
10. Procedure to be adopted for obtaining approval of UIDAI
 - a. EGOM or
 - b. EFC-CCEA

List of Participants:

1. Shri Pranab Mukherjee, Minister of External Affairs
2. Shri Shivraj V Patil, Minister of Home Affairs
3. Shri H R Bharadwaj, Minister of Law & Justice
4. Shri Mani Shankar Aiyar, Minister of Panchayati Raj
5. Shri A Raja, Minister of Communications & Information Technology
6. Shri Montek Singh Ahluwalia, Dy. Chairman-Planning Commission
7. Shri Subas Pani, Secretary Planning Commission
8. Shri Madhukar Gupta, Secretary-Ministry of Home Affairs
9. Shri Jainder Singh, Secretary-Department of Information Technology
10. Shri R Chandrashekhar, Addl. Secretary-Department of Information Technology.
11. Shri D K Sikri, Registrar General of India.
12. Smt. Rita Memon Addl. Secretary- Ministry of Finance

//True copy//

Annexure R-7

Minutes of the Fourth Meeting of the EGoM to collate two schemes- the National Population Register (NPR/MNIC) under the Citizenship Act, 1955 and the Unique Identification Number (UID) project of the Department of Information Technology (DIT).

Date: 04-11-2008

Venue: 162, Committee Room South Block

Time: 16.00 PM

Participants: List attached

1. The Chairman initiated the meeting by stating that the objective of the Empowered Group of Ministers (EGoM), was to collate the two schemes- the National Population Register (NPR/MNIC) under the Citizenship Act, 1955 and the Unique Identification Number (UID) project, Recalling the past proceedings and decisions of the EGoM, he referred to the decision in the 2nd meeting to set up the UID Authority (UIDAI) under the Planning Commission (PC) with the direction to the PC to

ensure necessary approvals within timelines indicated for creation and establishment of the UIDAI.

Pursuant to this decision, the PC had placed before the EGoM a detailed proposal for setting up UIDAI which was considered in the last meeting i.e. the third meeting held on 07.08.2008. Consequent to the deliberations of the EGoM on the proposal, ten issues were referred to the Committee of Secretaries (COS) headed by the Cabinet Secretary, to examine the issues raised and give its recommendations to the EGoM to facilitate a final decision in the matter.

He informed the members that the recommendations of the COS are now placed for consideration and requested the members to take up for consideration each of the issues along with recommendation to arrive at a final decision.

2. Shri R. Chandrashekhar, Special Secretary, Department of IT with permission of the Chair presented the recommendations of the COS on each of the ten issues referred to it.

Issue 1

270

Annexure R-8

MOST IMMEDIATE

F.No. 171/2/2008-CA.V
Government of India
Cabinet Secretariat
Rashtrapati Bhawan

New Delhi, the 22nd January, 2009

OFFICE MEMORANDUM

Sub: Issues raised by the EGoM to collate two schemes, viz., the National Population Register (NPR/MNIC) under the Citizenship Act, 195, and the Unique Identification Number (UID) project of the D/o Information Technology.

Reference D/o Information Technology's O.M. No. 3(27)/2006-EGPMU(Pt 1), dated 26th December, 2008 regarding Governance Structure, Institutional Framework, Organizational Structure and staff component of the Unique Identification Authority of India (UIDAI). While giving approval to the constitution of the UIDAI, with a core team of 115, including ten personnel at the central level including one Director General and Mission Director, and one Deputy Director General, the EGoM had directed

Planning Commission to place the detailed proposal with the complete structure, rest of the staff component and organizational structure of UIDAI before the Cabinet Secretary for his consideration, prior to seeking approval under normal procedure through the DoE/CCEA.

2. The Proposal has been considered by the Cabinet Secretary in pursuance of the decisions of the Empowered Group of Ministers taken in their meeting on 4th November, 2008, and it is accordingly recommended that-

- (i) The notification for constitution of the UIDAI, along with creation of the core team as approved by the EGoM be issued immediately and steps should be taken to make the Core Team operational.
- (ii) A High Level Advisory, Monitoring and Review Committee headed by Deputy Chairman, Planning Commission, consisting of following members may be constituted to oversee the work of the authority.

272

- (a) Member/Secretary, Planning Commission.
- (b) Home Secretary.
- (c) Secretary, D/o Information Technology.
- (d) Secretary, Planning Commission.
- (e) Director General & Mission Director as
Member Secretary.

(iii) A Member, Planning Commission or the Secretary, Planning Commission may also be assigned the task of looking after the work proposed, in the structure outlined by the Planning Commission, of the Chief UID Commissioner.

(iv) As approved by EGoM, the Core Team consisting of Director General & Mission Director with other supporting staff may be put in place immediately. Need based created of posts can be undertaken later after due examination in each case.

This issued with the approval of Cabinet.

Secretary.

(C.S. Kedar)
Joint Secretary
Tele : 23011964

To

(i) Dr. Subas Pani, Secretary, Planning Commission.

ANNEXURE R-9

(TO BE PUBLISHED IN PART-I, SECTION 2 OF THE
GAZETTE OF INDIA)

GOVERNMENT OF INDIA
PLANNING COMMISSION

Yojana Bhawan
New Delhi, 28th January, 2009

NOTIFICATION

No. A-43011/02/2009-Admn.I : In pursuance of Empowered Group of Ministers' fourth meeting, dated 4th November, 2008, the Unique Identification Authority of India (UIDAI) is hereby constituted and notified as an attached office under aegis of Planning Commission with following terms of reference and initial core staff composition :-

COMPOSITION

2. UIDAI shall be set up with an initial core team of 115 officials and staff as per details given below : -

Post	Level	No of Posts
UID AUTHORITY OF INDIA		
Director General & Mission Director	Additional Secretary, Govt of India	1
Deputy Director General (DDG)	Joint Secretary, Govt of India	1
Assistant Director General	Director, Govt. of India	1
Support Staff		
PS	PS	3
Peon	Peon	2

Driver	Driver	2
Total Manpower		10
State/UT Units of UIDAI		
State/UT UID Commissioner	Joint Secretary, Govt of India	35
Support Staff		
PS	PS	35
Peon	Peon	35
Total Manpower		105
Grand Total		115

Role and Responsibilities of UIDAI

3. UIDAI shall have the responsibility to lay down plan and policies to implement UID Scheme, shall own and operate UID database and be responsible for its updation and maintenance on an ongoing basis.
4. Implementation of UID Scheme will entail, inter alia, following responsibilities being undertaken by UIDAI :
 - Generate and assign UID to residents

- Define mechanisms and processes for interlinking UID with partner databases on a continuous basis.
- Frame policies and administrative procedures related to updation mechanism and maintenance of UID database on an ongoing basis.
- Co-ordinate / liaise with implementation partners and user agencies as also define conflict resolution mechanism
- Define usage and applicability of UID for delivery of various services
- Operate and manage all stages of UID lifecycle
- Adopt phased approach for implementation of UID specially with reference to approved timelines
- Take necessary steps to ensure collation of NPR with UID (as per approved strategy)
- Ensure ways for leveraging field level institutions appropriately such as PRIs in establishing linkages across partner agencies as well as its validation while cross linking with other designated agencies

- Evolve strategy for awareness and communication of UID and its usage
- Identify new partner/user agencies
- Issue necessary instructions to agencies that undertake creation of databases, to ensure standardization of data elements that are collected and digitized and enable collation and correlation with UID and its partner databases
- Frame policies and administrative procedures related to hiring/retention/mobilisation of resources, outsourcing or various tasks and budgeting & planning for UIDAI and all State units under UIDAI.

5. Planning Commission shall be the nodal agency for UIDAI for providing logistics, planning and budgetary support. Planning Commission would provide initial office and IT infrastructure at central level.

6. Government housing will be provided to officers of UIDAI appointed on deputation from general pool of Department of Urban Development.

(Dr Subas Pani)
Secretary to the Government of India

The General Manager
Govt. of India Press
Faridabad

Copy to :

1. Secretary to the President, Rashtrapati Bhavan,
New Delhi
2. Secretary to the Vice President, Maulana Azad
Road, New Delhi
3. Cabinet Secretary, Rashtrapati Bhavan, New
Delhi
4. Principal Secretary to the Prime Minister, South
Block, New Delhi
5. Private Secretary to the Deputy Chairman,
Planning Commission
6. All Ministries/Departments of Govt. of India

7. Chief Secretaries of all States/Union Territories
8. Secretary General, Rajya Sabha Secretariat,
New Delhi
9. Secretary General, Lok Sabha Secretariat, New
Delhi
10. Pr Adviser (Admn & PC)/AS & FA/Adviser
(C&I)/Director (GA)/DS (Admn.)
11. Pay & Accounts Officer, Planning
Commission
12. Drawing & Disbursing Officer, Planning
Commission
13. Accounts-I Section, Planning Commission.

//True copy//

279

Annexure R-10

(TO BE PUBLISHED IN PART-I SECTION 2 OF THE
GAZETTE OF INDIA

GOVERNMENT OF INDIA

PLANNING COMMISSION :

Yojana Bhavan, Sansad Marg;
New Delhi, 2nd July 2009

NOTIFICATION

No.A-43011/02/2009-Adm.I (Vol.II): In continuation of Notification number;A-43011/02/2009-Admn, dated 28.1.2009 regarding creation of pique Identification Authority of India (UIDAI) as an Attached Office of the Panning Commission, it is notified that the competent authority has approved the; appointment of Shri Nandan Nilekani, Co-Chairman, INFOSYS as Chairperson, Unique Identification Authority of India, in the rank and status of a Cabinet Minister. Shri Nilekani will hold appointment for an initial tenure of five years.

(Anil Malhotra)
Deputy Secretary to the Govt. of India

The General Manager,
Govt. of India Press,
Faridabad. :

2820

Copy to :-

1. Shri Nandan Nilekani, CEO, President & MD,
Infosys Technologies Ltd. Corporate
Headquarters, Plot No, 44 & 97 A, Electronics
City, Hosur Road, Bangalore.
2. Secretary to the President, Rashtrapati Bhavan,
New Delhi.
3. Secretary to the Vice-President, Maufana Azad
Road, New Delhi.
4. P.M.'s Office (Principal Secretary to PM), South
Block, New Delhi.
5. P.S. to Deputy Chairman, Planning Commission,
6. Cabinet Secretariat (Cabinet Secretary),
Rashtrapati Bhavan, New Delhi w.r.t their note
No. M/2009-C5 (A) (pt.) dated 01.07.2009. :
7. Secretary (Personnel), North Block, New Delhi;
8. Secretary, Planning Commission/Principal
Adviser (Admn.), Planning Commission. .
9. Director General, UIDAI /Adviser (C&I), Pig,
Commission, J

10. All Ministries / Department of Government of India.
11. Chief Secretaries of all States / Union Territories of India.
12. Secretary General, Rajya Sabha Secretariat, New Delhi.
13. Secretary General, Lok Sabha Secretariat, New Delhi.
14. Message Section, Rashtrapati Bhavan, New Delhi.
15. Public Section, Ministry of Home Affairs, North Block, New Delhi.
16. Accounts I Section, Plan/ling Commission.
17. Drawing and Disbursing Officer, Planning Commission,
18. Pay & Accounts Office, Planning Commission.
19. Personal File of Shri Nandan Niiekani.
20. Circulated in Yojana Bhavan through e-mail.

(Anil Malhotra)
Deputy Secretary to the Govt. of India

//True copy//

282

MOST IMMEDIATE
F.No. 171/2/2008-CA.V
Government of India
Cabinet Secretariat
Rashtrapati Bhawan

...
New Delhi, the 22nd January, 2009
OFFICE MEMORANDUM

Subject :- Issues raised by the EGoM to collate two schemes, viz., the National Population Register (NPR/MNIC) under the Citizenship Act, 195, and the Unique Identification Number (UID) project of the D/o Information Technology.

Reference D/o Information Technology's O.M. No. 3(27)/2006-EGPMU(Pt 1), dated 26th December, 2008 regarding Governance Structure, Institutional Framework, Organizational Structure and staff component of the Unique Identification Authority of India (UIDAI). While giving approval to the constitution of the UIDAI, with a core team of 115, including ten personnel at the central level including one Director General and Mission Director, and one Deputy Director General, the EGoM had directed Planning Commission to place the detailed proposal with the complete structure, rest of the staff

component and organizational structure of UIDAI before the Cabinet Secretary for his consideration, prior to seeking approval under normal procedure through the DoE/CCEA.

2. The Proposal has been considered by the Cabinet Secretary in pursuance of the decisions of the Empowered Group of Ministers taken in their meeting on 4th November, 2008, and it is accordingly recommended that-

(i) The notification for constitution of the UIDAI, along with creation of the core team as approved by the EGoM be issued immediately and steps should be taken to make the Core Team operational.

(ii) A High Level Advisory, Monitoring and Review Committee headed by Deputy Chairman, Planning Commission, consisting of following members may be constituted to oversee the work of the authority.

(a) Member/Secretary, Planning Commission.

(b) Home Secretary.

- (c) Secretary, D/o Information Technology.
- (d) Secretary, Planning Commission.
- (e) Director General & Mission Director as Member Secretary.

(iii) A Member, Planning Commission or the Secretary, Planning Commission may also be assigned the task of looking after the work proposed, in the structure outlined by the Planning Commission, of the Chief UID Commissioner.

(iv) As approved by EGoM, the Core Team consisting of Director General & Mission Director with other supporting staff may be put in place immediately. Need based created of posts can be undertaken later after due examination in each case.

This issued with the approval of Cabinet Secretary.

(C.S.Kedar)
Joint Secretary
Tele : 23011964

To

- (i) Dr. Subas Pani, Secretary, Planning Commission.

//True copy//

ANNEXURE R-12

IN THE COURT OF XVI ADDL. CITY CIVIL AND
SESSIONS JUDGE,
BANGALORE CITY (CCH. NO. 12)
Dated, this the 3rd July, 2012

PRESENT

SRI T.M. NAGARAJA, BA, LLB
XVI Addl. City Civil & Sessions Judge, Bangalore
O.S. NO. 8181/2011

PLAINTIFFS

1. Mr Mathew Thomas
S/o Late T.P John
Aged about 75 years
Resident of Flat No. 102
Saroj Fantasy Apartments
Bhuvaneshwari Road
White Field
Bangalore - 560066

2. Mr V.K. Somashekhar
S/o V.R. Kapali
Aged about 56 years
Resident of RMV Clusters
Phase II, Block III,
Flat No. 102-103
RMV II Stage, Devinagar
Lattegollahalli,
Bangalore - 560094

VERSUS -

DEFENDENTS

1. The Chairperson
Unique Identification Authority
of India Planning Commissioner,
Government of India 3rd Floor,
Tower-II, Jeevan Bharati
Building Cannaught Circus,
New Delhi - 110 001

Bangalore Regional Office
The Chairperson Unique

Identification Authority of India
Khanija Bhawan, No. 49
3rd Floor, South Wing
Racecourse Road
Bangalore – 560001

2. Union of India
Represented by Chairperson
Planning Commission of India
Yojana Bhavan, Sansad Marg
New Delhi.

3. The Deputy Chairperson
Planning Commission of India
Yojana Bhavan, Sansad Marg
New Delhi.

ORDER ON I.A. NO. VI

This application is filed under Order VII rule 11 r/w Sec 151 CPC by the defendants to reject the plaint.

This application is supported with an affidavit, wherein it is stated that the defendant No. 1 is attached to the Planning Commission of India, defendants 2 and 3 to issue Unique Identification numbers to the residents of India to enable efficient delivery of welfare benefits and services, To collect the biometrics and demographic data of residents, de-duplicate the data at the back end and generate Unique ID number i.e. Aadhaar numbers. Aadhaar

number will be authenticable online to establish the identification of the resident. It is voluntary and free of cost. Aadhaar is a valid identity of life and to facilitate a resident to access the various welfare benefits and services. The suit is not maintainable. The suit is hit by Sec. 9 of the CPC. The plaintiffs could have filed Writ Petition under Order 226 and 227 before Hon'ble High Court of Karnataka or under Article 32 of the Constitution of India before the Hon'ble Supreme Court of India. On the above, among other grounds prays for allowing this application to reject the plaint.

2. For this application, the plaintiffs have filed objections and denied the affidavit averments. Aadhaar is carrying on without statutory support and it is threat to citizen of India and it is compulsory to get benefits i.e. ration card, gas, telephone etc. At the time of snatching photo it affecting privacy of the person. Hence it is violating Article 21 of the Constitution of India. It is already filed writ petition before the High Court of Judicature at Chennai. On

the above, among other grounds prays for rejecting the application.

3. Head the arguments of both sides.
4. The points that would arise for my consideration are :-
 1. whether the application filed by the defendants under Order VII rule 11 r/w Sec. 151 CPC to reject the plaint is to be allowed ?
 2. To what order ?
5. My findings on the above points are as under :-

(1) POINT No. 1 : In the Affirmative with costs of

Rs. 50,000/- ie. plaintiff

Rs. 25,000/- payable to Govt of

India Head Account.

(2) POINT No. 2: As per separate orders for the following :

REASONS

6. POINT NO. 1 :- It is very vital to say that the defendants – Govt learned counsel from the beginning of the suit without filing written statement, without filing objections to I.As filed this application to reject the plaint through several applications are

pending. The plaintiff's learned counsel Sri B.T.V., also co-operated to pass orders on this application. The defendants contended that the scheme of Unique Identification Number is for the benefit of all the residents of India and it is also for the purpose of welfare of society. The Unique Identification numbers named Aadhaar number available through online. Aadhaar can be used for any purpose. There is strong force in the submission of the defendants. The Unique Identification by way of Aadhaar is very essential to Indian citizen for welfare purpose and security purpose in order to safeguard our citizens from terrorists and identifying the terrorists. If we read the present day situation, intention and introduction of Aadhaar with Unique Identification number is playing very vital role. Further, it is the voluntary work and not compulsory. If citizens want facilities like gas connection, ration card, telephone connection facilities from Government, Aadhaar i.e. Unique Identification is necessary. I carefully gone through the cause title of the plaint, 1st plaintiff is aged about 74 years and plaintiff No. 2 is aged about

56 years at the time of filing of the suit. If they do not want Unique Identification number, let them be happy in home without going for unique identification number. As such, there is a force in the submission of the defendants' counsel that Unique Identification number is voluntary and it is at free of costs. Further, the learned counsel for the plaintiffs submits that using the public money, i.e. tax money for the purpose of Unique Identification. The plaintiffs have a business with the utilisation of tax money to Unique Identification. The Hon'ble Government of India and Hon'ble Government of Karnataka are there to look after genuine utilisation of the tax money to the welfare of the society. The Government of India and Government of Karnataka taken this Unique Identification programme for the citizens of India including the government of other states. Such being the case, there is no meaning in filing of the suit to declare Unique Identification is illegal. Further, it is pertinent to note that this Court is a Civil Court. Touching of one's privacy and violation of Article 21 of Constitution of India is exclusively jurisdiction of

Hon'ble Supreme Court and Hon'ble High Court of various states of India. All the states of India governments are not parties before this Court. Only Union Government and regional office of Bangalore are parties. Thus the suit is also bad for non-joinder of necessary parties. Further, plaintiffs admitted that writ petition filed before Hon'ble High Court of Judicature at Chennai. The matter is ceased before Hon'ble High Court of Judicature at Vhennai. Thus this Civil Court has no jurisdiction to entertain suit under Sec. 9 of CPC. The suit is hit by subjudiced in view of the matter ceases before the Hon'ble High Court, how this Court taking risk to decide is not explained. The learned counsel for the plaintiffs placed reliance on ruling reported in AIR 1995 Hon'ble Supreme Court 2001 in case of "most Rev. PMA Metropolitan and others etc. V Moran Mar Marthoma and another and AIR 1963 Hon'ble Supreme Court 1547 in case of "Firm seth Radha Kishan (deceased) represented by Hari Kishan and others v Administrator Municipal Committee, Ludhiana". With due respect to these rulings, the

facts and circumstances of these rulings and facts and circumstances of the case on hand are distinct. Hence, these rulings are not helpful to the plaintiffs case. Here in this case, plaintiffs filed unnecessary suit tried to prevent the Unique Identification number – Aadhaar plan and caused to the Government of India and defendants to appear before the Court unnecessarily. For all the above discussion I am of the opinion that the suit is not maintainable. Hence, the suit is liable to be rejected by imposing cost of Rs. 50,000/- payable to the Government of India Head Account by the plaintiffs each Rs. 25,000/-

7. POINT NO. 2 : In the result, I proceed to pass the following :-

ORDER

The I.A No. VI filed under Order 7 rule 11 r/w Sec 151 of CPC by the defendants is hereby allowed.

The suit of the plaintiffs is hereby dismissed as not maintainable with costs of Rs. 50,000/- payable to the Government of India Head Account i.e. each plaintiff Rs. 25,000/-.

293

(dictated to the Judgement Writer, transcribed by her, corrected, signed and then pronounced by me in open court on this the 3rd day of July, 2012).

sd/-
(T.M. Nagaraja)
XVI Addl. City Civil & Sessions Judge
Bangalore.

//True Copy//

294

ANNEXURE R-13

IN THE COURT OF ADDL. CITY JUDGE AT BANGALORE
Of

Ex. Case No. 1145/2013

In

OS NO. 8118/2011

8181/2011

Under Order 21 Rule 11 of the Code of Civil
Procedure

Decree Holder's Name : The Chair Person, Unique
Identification Authority of India

Number of Suit
Decree-Holders

O.S No. 8181/2011

1. The Chairperson

Unique Identification Authority
of India

Planning Commissioner,

Government of India

3rd Floor, Tower-II, Jeevan

Bharati Building

Cannaught Circus, New Delhi -
110 001

Bangalore Regional Office

The Chairperson

Unique Identification Authority
of India

Khanija Bhawan, No. 49

3rd Floor, South Wing

Racecourse Road

Bangalore - 560001

2. Union of India

Represented by Chairperson

Planning Commission of India

Yojana Bhavan, Sansad Marg

New Delhi.

3. The Deputy Chairperson

Planning Commission of India

Yojana Bhavan, Sansad Marg

New Delhi.

298

Judgement
Debtor(s)

1. Mr Mathew Thomas
S/o Late T.P John
Aged about 75 years
Resident of Flat No. 102
Saroj Fantasy Apartments
Bhuvaneshwari Road
White Field
Bangalore - 560066
2. Mr V.K. Somashekhar
S/o V.R. Kapali
Aged about 56 years
Resident of RMV Clusters
Phase II, Block III, Flat No.
102-103
RMV II Stage, Devinagar
Lattegollahalli,
Bangalore - 560094

No. and Date fo Decree	Trail Court O.S 8181/2011 D/D. 3-7- 2012	I Appellate Court R.A - D/D. -	High Court R.S.A No. - D/D. -
Whether any appeal has been preferred from the decree	-No-		
Payment of adjustment	-No-		
1. Decree amount 2. Interest on Rs..... from date of suit upto date Percent p.a. 3. Cost awarded in the suit.			Rs. 50000

4. Costs of the appellate court.	
5. High Court costs.	
6. Cost of copies.	20
7. Previous execution costs.	30
8. Present execution Costs.	1250
9. Advocate's Fee	
10.....	
TOTAL	51300
Less amount received with counter interest thereon at 6% per annum	51300
Against whom to be executed	The Judgement debtor(s)
Mode in which the assistance of the court is sought	<p>1. Attachment and sale of movables of judgement debt shown by the Decree Holder or his agent.</p> <p>2. Arrest of Judgement Debtor and detention in the civil p</p> <p>3. Attachment and sale of schedule immovable property.</p> <p>4. The decree holder prays that the said decree be tran(sic) the court of (through the district.....) for execution of the judgements residing carrying on the business / possess property the jurisdiction of the court.</p>

Advocate for the Decree Holder
Decree Holder

297

I/We the Decree Holder/s above named to
hereby declare that the above is true to the best of
my/our knowledge, information and belief.

Date : 25-04-2013
Bangalore

SCHEDULE

Furniture, Computers, Laptops, Fridge, electronic
items and other items shown decree holder at the
time of execution of warrant.

//True Copy//

IN THE COURT OF ADDL. CITY JUDGE AT BANGALORE
Of

Ex. Case No. 1145/2013

In

OS NO. 8118/2011

8181/2011

DECREE HOLDERS : The Chair Person, Unique
Identification Authority of
India & 2 others

JUDGEMENT DEBTORS : Mr Mathew Thomas &
Another

AFFIDAVIT

I, Ashok Lenin, Deputy Director, Unique
Identification Authority of India (UIDAI), Planning
Commission, Govt of India, Regional Office at Khanija
Bhavan, No. 49, 3rd Floor, South Wing, Racecourse
Road, Bangalore - 560 001 do hereby solemnly affirm
and state on oath as follows :-

1. I submit that the Judgement Debtors filed the
O.S bearing No. 8181/2011 against the Decree
Holders before City Civil Judge, Bangalore for
seeking a Decree of declaration declaring
Aadhaar Scheme as illegal and perpetual
injunction against the Decree Holders, whereas
the Hon'ble Court allowed has dismissed the suit
of the Judgement Debtors and the Hon'ble Court

allowed interlocutory Application filed under order VII Rule 11 read with Section. 151 of CPC by decree holder and in the said order the Hon'ble Court directed the Judgement Debtors to pay cost of Rs. 50,000/- and further directed that judgement debtors to pay 25,000/- each by JDR No. 1 & 2 and the same may be payable to the Govt. of India, Head Account.

2. I submit that, the judgement debtors so far have not paid the imposed cost of Rs. 50,000/- as directed by the Hon'ble Court.
3. I further submit that the judgement debtors are in due of sum of Rs. 51,300/- including cost to the decree holders.
4. I further submit that this Hon'ble Court may be pleased to allow the above execution petition by attach and sale of the movables of judgement Debtors and pass necessary orders in the interest of justice and equity.

Identified by me
Advocate

Deponent

//True Copy//

Annexure R-14

350

IN THE HIGH COURT OF DELHI AT NEW DELHI
(CIVIL ORIGINAL JURISDICTION)

Writ Petition (Civil) No..... of 2014

[MEMO OF PARTIES]

IN THE MATTER OF:

Mathew Thomas

S/o Late T.P. John,

- 18A, 'Adarsh Vista',

Basavanagar,

Bangalore 560066

...Petitioner

VERSUS

1. Union of India

Through Deputy Director General and
ADG & CPIO

Unique Identification Authority of India

2nd Floor, Tower-I,

Jeevan Bharati Building,

Connaught Circus,

New Delhi - 110001

2. The Central Information Commission

Through Information Commissioner,

Wing 'B', 2nd Floor,

August Kranti Bhawan,

Bhikaji Cama Place,

New Delhi 110066

301

3. Deputy Registrar,
The Central Information Commission,
Wing 'B', 2nd Floor,
August Kranti Bhawan,
Bhikaji Cama Place,
New Delhi 110066

...Respondents

FILED BY:-

[PRASANNA S./AAKARSH KAMRA & SIJU
THOMAS]

Advocate for the Petitioners

B-23A, Sagar Apartment,

6, Tilak Marg, New Delhi - 110001

Ph. 9811404903/011-23073290

Filed on: 06.12.2014

Place: New Delhi

SYNOPSIS

302

The Petitioner is filing the instant Writ Petition assailing the recent orders of the Central Information Commission (hereinafter, "CIC"), acting through its Information Commissioner and its Registry denying the Petitioner the right of full compliance by the Unique Identification Authority of India (hereinafter "UIDAI") to the Central Information Commission's earlier final order in an appeal by the Petitioner under Section 19 of the Right to Information Act, 2005 (hereinafter, "the Act" or "RTI Act") in seeking copies of contracts entered into by the UIDAI with two companies, namely M/s L1 Identity Solutions and M/s Accenture. The Petitioner is seeking a judicial review of the above orders on the grounds, inter alia, of being violative of Article 14 of the Constitution for being unreasonable, arbitrary and also violative of the principles of natural justice and also ultra vires the provisions of the RTI Act as the orders are passed in excess of the powers conferred by the Act.

UIDAI is an executive body constituted by Union Government vide gazette notification dated 23-Jan-

2009, tasked, inter alia, with uniquely identifying every resident in the country. For that purpose, UIDAI entered into contracts with the above companies for providing services related to Biometric Technology and Biometric Solutions – between 2009 and 2011. The Petitioner herein applied under Section 6(1) of the RTI Act and sought copies of the said contracts. The Central Public Information Officer (hereinafter, "CPIO") of the UIDAI, refused to share the said information under the RTI Act claiming exemption from disclosure under Section 8(1)(d) of the RTI Act. The Appellate Authority also upheld the refusal of disclosure when the Petitioner-Applicant preferred the first appeal. Aggrieved by the same, the Petitioner preferred a second appeal before the CIC which passed a final order on 21-Oct-2013, directing the UIDAI to furnish copies of the contracts – nothing the UIDAI's admission on the last date of hearing that the said contractual obligations had expired and that they had no objection to sharing of the contracts.

However, even after the order by the CIC, the UIDAI refused to share the copy of the contracts in full

and once again claimed exemption under Section 8(1)(d) of the Act in relation to the portions of the contract, namely, the Technical and Commercial bids, that were not shared with the Petitioner-Applicant. The Petitioner complained to the CIC pointing out the non-compliance of its order by the CPIO of the UIDAI. The CIC, in breach of its statutory responsibilities and abdication of the same, directed its Registry to check if the UIDAI had complied with its earlier Orders. The Registry acting through its Deputy Registrar, illegally appropriating for itself judicial powers not envisaged under the Act and in excess of the terms of the last CIC order, proceeded to determine compliance of the earlier order dated 21-10-2013. The findings of the registry are not known to the petitioner, since these have not been informed to him. However, ostensibly admitting the UIDAI's contention and without giving an opportunity of hearing for the Petitioner to rebut the same, the impugned order of the CIC, amending its earlier order, also by a single Information Commissioner has been conveyed to the petitioner by The Deputy Registrar i.e. the Respondent No.3 herein, CIC and the Deputy Registrar, acting in unison have

thus over stepped their authority and functions. It is the case of the Petitioner that an order of an information commissioner cannot be recalled or reviewed or modified by another Information Commissioner when no such powers have been granted by the Act. Further, ostensibly, in order to make it appear that this is not the case of one Information Commissioner overruling another, The CIC and its registry have acted in a way that can properly be described as colourable exercise of power. When UIDAI i.e. the Respondent No.1 had written stating that it will not provide the information, complying with the earlier order, it was the statutory responsibility of the CIC to take note of the same and pass orders on the Petitioner's complaint of non-compliance accordingly as there was need at all to direct the "registry" to "examine compliance", when the UIDAI has evidently refused compliance with the order of the CIC dated 21 Oct 2013. Further it is the contention of the Petitioner that the CIC, perhaps, being fully aware that Respondent No.1, representing the CIC, has no authority under law to either modify or overrule or interpret the order of another Information

Commissioner, also acting as representing the CIC, continued his illegal and colourable exercise of power by directing the Deputy Registrar to "convey" to UIDAI "to provide to appellant limited information i.e. financial quotation/ price quoted by third party firms..." The Petitioner most respectfully submits that clearly the CIC, The Deputy Registrar and the UIDAI have acted in unison in a manner that is anathematic to the principles of natural justice and the rule of law to deny information of great public importance affecting not only citizens of India, but all people residing in the country. Petitioner further contends that the finding of the CIC and the Deputy Registrar that, "the appellant has not established larger public interest warranting disclosure of information in question." Has been done without referring to the oral and written submissions of the petitioner as well as the earlier Interim order of the CIC dated 26 July 2013, wherein the UIDAI was ordered to make written submissions justifying the recourse to Section 8.1(d) of the RTI Act, which UIDAI has not done until now. It is significant to note that the UIDAI has never contended that the information is not one of larger public interest, but its only argument all

302

along has been a bald attempt to use Section 8.1(d) of the RTI Act to deny the information sought.

This Writ Petition is directed against the UIDAI for continued non-compliance of the order by the CIC dated 21-10-2013. This Writ Petition is also directed against the order of CIC, dated 03-Sep-2014 directing the Registry to examine the matter of compliance. This Writ Petition is also directed against the order by the CIC, and conveyed by the Deputy Registrar dated 14-Oct-2014, for being ultra vires and in excess of the powers granted under the Act or any other law.

LIST OF DATES

- 24-Aug-2010 UIDAI a body set up under an executive order of the Government, signing on behalf of The President of India entered into a contract with M/s L1 Identity Solutions and M/s Accenture through the Unique Identification Authority of India for, inter alia, providing biometrics solution for the purpose of uniquely identifying all residents in India as required by the UIDAI.
- 10-Apr-2012 The Petitioner's RTI Application seeking copies of contracts issues by UIDAI to two foreign companies viz. L1 Identity Solutions and M/s Accenture.
- 07-May-2012 CPIO of UIDAI reply to the Application refusing the information sought claiming exemption by baldly quoting Section 8(1)(d) of the RTI

309

Act. (Letter No.F-
12013/096/2012/RTI-UIDAI)

15-May-2012 Petitioner's appeal to the Appellate Authority against CPIO's refusal to provide information and challenging UIDAI's claim of exemption by baldly quoting Section 8(1)(d) of the RTI Act without any justification of the same and also the countervailing public interest in the matter that warrants disclosure.

27-Jun-2012 Petitioner's appeal to the Central Information Commission under Section 19 of the Act assailing the non-communication from the Appellate Authority and the refusal to share information by the CPIO of the UIDAI.

29-Jul-2012 Undated reply by the Appellate Authority received on 29th Jul 2012

repeating the contentions on 29th Jul 2012 repeating the contentions of the CPIO, dismissing the Appeal received by the Petitioner.

26-07-2013

Interim Order of the CIC (No. - CIC/SS/A/2012/003157) directing Respondent No.1, UIDAI to file written submissions justifying application of Section 8(1)(d) to the instant case. Such justifications were never provided by Respondent No.1 at any stage.

The Interim order further stated, "The Commission considers it appropriate that the custodian of the information i.e., a senior level official of Technology Division of UIDAI attends the hearing also with his written submissions, justifying non-disclosure of the information sought for by the appellant under

311

provisions of Section 8(1)(d) of the RTI Act." The final hearing was scheduled for 10 Sep 2013.

10-09-2013

Letter from UIDAI to the CIC stating that the contractual obligations in respect of BSP have expired and that it was willing to share the copies of Contracts.

Further, copies of portions of contracts were forwarded to the Petitioner by Respondent No.1, UIDAI. However, some of the crucial parts of the contract were found missing by the Petitioner and his representative and this was communicated the very next day to Respondent No.1.

11-09-2013

Petitioner's representative wrote to the UIDAI pointing out the missing portions in the copy including

annexures relating to technical and commercial bid.

21-10-2013 Order by the CIC noting the UIDAI's willingness to share the contract copies and disposing of the appeal.

22-Nov-2013 The Petitioner's letter complaining to the CIC and pointing out the non-compliance of the order dated 21-10-2013 by the UIDAI through their having shared only a portion of the copies of the contracts that were sought for and were ordered to be provided.

20-Dec-2013 Reply from UIDAI to the Petitioner's letter dated 11-09-2013 admitting that the pointed out annexures have indeed been omitted during sharing as they pertain to information of commercial confidence that the third parties have requested not to

be disclosed under Section 8(1)(d) and after following procedure of Section 11 of the Act.

06-Jan-2014 The Petitioner's letter complaining once again to the CIC and pointing out the non-compliance of the order and the UIDAI's refusal to share portion of the same.

04-Aug-2014 The Petitioner's letter once again complaining to the CIC and pointing out again the non-compliance of the CIC's order dated 21-Oct-2013 and the UIDAI's refusal to share portions of the same.

03-Sep-2014 The complaint by the Petitioner was heard by the CIC. On the same day, the CIC passed the Order directing its Registry to examine the matter relating to the compliance with the CIC's order dated 21-Oct-2013.

314

04-Sep-2014 Written Submissions of the
Petitioner in relation to the hearing
on 03-Sep-2014 were made before
the CIC.

14-Oct-2014 Order by the CIC to the UIDAI,
conveyed by the Deputy Registrar in
letter of date and copied to the
Petitioner, to furnish only "limited
information" and ostensibly
agreeing to the contention
mentioned in the UIDAI's letter to
the Petitioner dated 20-Dec-2013
and holding that the information
being withheld to exempt under
Section 8(1)(d) of the RTI Act and
that the Petitioner had not shown
any "larger public interest
warranting disclosure" of the same.

22-Oct-2014 Letter by the UIDAI to the Petitioner
furnishing the limited information of

the financial bid price by the two firms.

06-Dec-2014 This Petition is filed before the Hon'ble High Court of Delhi assailing the order of the CIC dated 03-Sep-2014 modifying the order dated 21 Oct 2013 and the letter dated 14-Oct-2014 conveyed by its Registry in relation to compliance of UIDAI with the CIC's final order dated 21-Oct-2013 and also the UIDAI's continued refusal to share the said information with the Petitioner-Applicant, despite the appeal having been decided in the Petitioner's favour.

IN THE HIGH COURT OF DELHI AT NEW DELHI
(CIVIL ORIGINAL JURISDICTION)

Writ Petition (Civil) No..... of 2014

[MEMO OF PARTIES]

IN THE MATTER OF:

Mathew Thomas

S/o Late T.P. John,

18A, 'Adarsh Vista',

Basavanagar,

Bangalore 560066

...Petitioner

VERSUS

1. Union of India

Through Shri Davinder Kumar,

Deputy Director General

And Shri Shrish Kumar, ADG & CPIO

Unique Identification Authority of India

2nd Floor, Tower-I,

Jeevan Bharati Building,

Connaught Circus,

New Delhi – 110001

2. The Central Information Commission

Through Shri Sharat Sabharwal,

Information Commissioner,

Wing 'B', 2nd Floor,

August Kranti Bhawan,

Bhikaji Cama Place,

New Delhi 110066

3. Shri Vijay Bhalla
Deputy Registrar,
The Central Information Commission,
Wing 'B', 2nd Floor,
August Kranti Bhawan,
Bhikaji Cama Place,
New Delhi 110066 ...Respondents

PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA SEEKING APPROPRIATE WRIT, ORDER OR DIRECTION FOR QUASHING THE ORDER OF RESPONDENT NO.2 DATED 14-OCT-2014 CONVEYED BY RESPONDENT NO.3, AND QUASHING THE LETTER OF RESPONDENT NO.1 DATED 22-OCT-2014 AND DIRECTING FULL AND IMMEDIATE COMPLIANCE BY RESPONDENT NO.1 WITH ORDER OF THE RESPONDENT NO.2 DATED 21-OCT-2013.

MOST RESPECTFULLY SHOWETH:

1. The Petitioner is filing the present Writ Petition under Article 226/227 of the Constitution of India in relation to an appeal preferred before the Respondent No.2 by the Petitioner herein under Section 19 of the Right Information Act, 2005 dated 27-Jun-2012 numbered as CIC/SS/A/2013/001593/SH, seeking, inter alia, an appropriate writ, order or direction

- (a) quashing the letter of Respondent No.1 dated 22-Oct-2014 and addressed to the Petitioner herein; and
- (b) directing full and immediate compliance with order of the Respondent No.2 dated 21-Oct-2013;
- (c) quashing the order of Respondent No.2 conveyed to the Petitioner by Respondent No.3 by a letter dated 14-Oct-2014; and
- (d) quashing the order of Respondent No.2 dated 03-Sep-2014;

2. The Petitioner submits that he has not approached the Hon'ble Supreme Court or other High Courts or any other Court or Tribunal in relation to this matter and seeking the reliefs prayed for herein. The Petitioner further submits that this Petition, having been filed in time following the final communication to him in this matter and therefore without any delay or laches. The Petitioner however, submits to this Hon'ble Court that he has impleaded himself in W.P.(Civil) No.833 of 2013 titled Aruna Roy & Anr. V. Union of India &

Ors. Tagged alongwith a number of related Writ Petitions and Transfer Petitions, pending before the Hon'ble Supreme Court challenging the vires of constituting the Respondent No.1 i.e. the UIDAI. The Petitioner submits that the issues raised in that application and prayers therein and in this Petition are different.

3. The brief facts leading to the filing of the present petition are as under. The Petitioner No.1 is a citizen of India, a resident of 18A, 'Adarsh Vista', Basavanagar, Bangalore - 560066. The Petitioner is the applicant who sought information under the RTI Act, 2005 from Respondent No.1 and also the appellant in the matter before the Central Information Commission (Respondent No.2) assailing the denial such information.
4. The Respondent No.2 is the Information Commissioner in Central Information Commission (hereinafter, "CIC"), which is a statutory body established under the Right to Information Act,

2005 (hereinafter, "the Act" or "RTI Act"), the authority that passed the impugned orders.

5. The Respondent No.3 is the Deputy Registrar in the office of Respondent No.2.
6. The Respondents No.1 is the Unique Identification Authority of India (hereinafter, "UIDAI") set up as an attached office of the Planning Commission by an executive order of the Government of India and notified in the gazette of India in January 2009 represented by its Deputy Director General and CPIO.
7. UIDAI entered into a number of contracts and Memoranda of Understanding (MoU). The contracts were for various purposes including the provision of biometric services and were between UIDAI purporting to act on behalf of Government of India and Multi-National Companies (MNCs). Some of these MNCs as will be seen herein below, were foreign companies and based in the United States of America (USA).

8. The Petitioner herein respectfully submits that he filed an application under the RTI Act on 10-April-2012 seeking copies of the contracts between UIDAI and two foreign companies, namely, M/s L1 Identity Solutions and M/s Accenture. Copy of the said RTI application is annexed herewith and marked as Annexure P-1. Shri Shrish Kumar, an officer in UIDAI, signed as CPIO of UIDAI and replied vide letter No.F-12013/096/2012/RTI-UIDAI dated 07-May-2012. The said letter is annexed herewith and is marked as Annexure P-2 to this petition. He stated in the letter that "The information relating to referred contracts cannot be disclosed as per clause (1)(d) of Section 8 of RTI Act, 2005. On 15th May 2012 the Petitioner herein appealed to the appellate authority of UIDAI against the refusal to furnish the contract copies. Copy of the appeal is annexed herewith and marked as Annexure P-3. It is pertinent to note that in the said appeal, the Petitioner, inter alia had averred that the contract is entered into on behalf of the Government of India, it is paid

from public money, the bidding was said to be a transparent process, the contracts have been finalised and issued and hence, they are no longer confidential. The Petitioner had also inter alia stated that since the contracts affect all the people whose data is captured and made available to these contractors the people have a legitimate right to receive and interest in the said information. Shri Davinder Kumar, the Deputy Director General of UIDAI acting as the first Appellate Authority, upheld the CPIO's denial of the documents and merely repeated the contention and quoted Section 8(1)(d) of the RTI Act, 2005. The undated order of the appellate authority of UIDAI No. F-12013/096/2012/RTI-UIDAI, but received on 29th July 2012 is attached as Annexure P-4 to this petition. Neither the CPIO nor the appellate authority contended that the larger public interest is absent. The Petitioner then preferred an appeal before the Central Information Commission (CIC) under Section 19 of the Act on 27th June 2012. Copy of the said appeal is attached as Annexure P-5.

9. The Petitioner herein respectfully submits that the CIC heard the appeal on 24th Jun 2013 at Delhi. The appellant was represented by Shri Gopal Krishna, r/o Katwaria Sarai, Delhi 110016. Officials of Respondent No.1, including Shri Ashish Kumar attended the hearing. The CIC through information Commissioner, Ms. Sushma Singh who heard the matter passed Interim Order No. CIC/SS/A/2012/003157 dated 26-Jul-2013. Copy of the Interim order is annexed herewith and marked as Annexure P-6.
10. The said Interim Order summarised the position and arguments of the Respondent No.1 UIDAI and the Petitioner. The said order noted that the respondents contended that the contracts cannot be disclosed since, it would harm the competitive position of the Third Party and that the Third Parties have requested not to disclose the information provided under strict commercial confidence and includes trade secret, propriety information of third parties. It is significant to note

that the CIC observed that the procedure of Section 11 of the RTI Act has been followed by UIDAI and that third parties have asked that the information be not disclosed. The Interim Order noted the contention of the appellant therein i.e. the Petitioner herein and his written submission, in which it was said that the Respondents are purporting to act on behalf of the Government of India, the contracts are paid from Government funds and the contracts involve the collection and processing of personal information of every person resident in India, including citizens, the people have a right to the said information. The Interim Order stated, "The Commission considers it appropriate that the custodian of the Information i.e., a senior level official of Technology Division of UIDAI attends the hearing also with his written submission, justifying non-disclosure of the information sought for by the appellant under provisions of Section 8(1)(d) of the RTI Act." The final hearing was scheduled for 10 Sep 2013.

11. It is pertinent to note that the Interim Order asked the Respondent No.1 UIDAI to provide justification for non-disclosure of information sought taking shelter under Section 8(1)(d) of the Act. It is equally significant that the UIDAI has till date not given any justification in fact or in law whatsoever for taking recourse to Section 8(1)(d) of the RTI Act, 2005, but has merely baldly quoted the Section and repeating that the information cannot be disclosed as it falls under the purview of the said section and that the foreign private firms have asked the UIDAI not to disclose the information, when the procedure of Section 11 of the Act was followed. It is pointed out that the CIC in its Interim Order had directed Respondent No.1 that "a senior level official of the Technology division of UIDAI attend the hearing with his written submission." It is averred herein that to the best of knowledge of the Petitioner, no such official attended the next final hearing on 10 Sep 2013, nor were written submissions made as ordered. The petitioner submits that the official from the Technology division was asked to attend

the hearing on 10th Sep 2013 in order to justify the reasons for taking recourse to Section 8(1)(d) of the RTI Act by claiming that disclosure of technical details of the contracts would compromise the competitive position of the contractors even after the award of the contracts and after a long period of time.

12. The Petitioner herein had made written submissions to the CIC before the said hearing on 10-Sep-2013. A copy of the same dated 04-Sep-2013 of is annexed herewith and marked as Annexure P-7.

13. On the day the second and final CIC hearing i.e., on 10-Sep-2013, Respondent No.1 through Shri Shrish Kumar handed over a letter No. F-12013/096/2012/RTI-UIDAI dated 10-Sep-2013 to the Information Commissioner, Ms. Sushma Singh. The said letter, a true copy of which is annexed herewith and marked as Annexure P-8, stated inter alia that "Contractual obligation in respect of BSP contracts has expired. Therefore,

UIDAI has no objection in sharing the following contract details." On the same day, Shri Shrish Kumar on behalf of Respondent No.1, also handed over to the Petitioner's representative, Shri Gopal Krishna, a letter No.F-12013/096/2012.RTI. UIDAI dated 10-Sep-2013 addressed to the Petitioner. Shri Shrish Kumar on behalf of Respondent No.1, also handed over copies of two contracts of UIDAI with M/s L1 Identity Solutions and M/s Accenture. Copy of the said letter is annexed herewith and marked as Annexure P-9.

14. However, on perusal of the contracts, the Petitioner noticed that several pages of the contracts were missing. In both copies of the contracts handed over to us, Annexure-J of the contract - Technical Bid and Annexure-K of the contract - Commercial Bid of both above companies were not provided. The Petitioner's representative, Shri Gopal Krishna, wrote to UIDAI, Respondent No.1 herein, pointing out the omission of the annexures and asked for copies of the same. A copy of the letter of Shri. Gopal

Krishan dated 11-Sep-2013 is annexed herewith and marked as Annexure P-10. To this, Respondent No.1, through Shri Shrish Kumar replied vide his letter No. F-12013/096/2012/RTI-UIDAI dated 20-Dec-2013. A copy of the said reply is annexed herewith and marked as Annexure P-11. In his reply, it was admitted that the annexure (J & K of contract with M/s Accenture and annexures I, J and K of contract with L1 Identity Solutions) were not handed over. He then went on to contend in the letter (Annexure 13) that the "firms have requested not to disclose the information" and that "being third party information the firms were requested for their comments wherein they had denied for sharing of their documents with any applicant." This is in spite of the fact that at the hearing on 10-Sep-2013, the Information Commissioner, Ms. Sushma Singh, had passed her final order in Case No. CIC/SS/A/2012/003157 dated 21-Oct-2013. A copy of the Order is annexed herewith and marked as Annexure P-12. The order directed the Respondent No.1 herein to furnish the copies of

the contracts within two weeks from receipt of the order. The Order made no mention of the Respondent No.1's liberty to omit parts of the Contract that it unilaterally thinks to be commercial confidence as exempted under Section 8(1)(d) of the Act, which it appears to have done in complete violation of and derogation to the CIC's Order. It is also important to note that in the Interim Order dated 26 Jul 2013 (Annexure P-6), the then Information Commissioner had noted the fact of the third parties asking Respondent No.1 not to disclose the information, had asked the said Respondent to justify application of Section 8(1)(d) to the case by written submissions and upon the admission of the Respondent on 10 Sep, 2013 that the contractual obligations had expired, proceeded to issue the final order dated 21 Oct 2013 (Annexure P-12).

15. The Petitioner herein then sent two complaints to CIC, one on 6-Jan-2014 and a second one on 4-Aug-2014 noting the non-compliance of its Order by Respondent No.1. Copies of said complaints are

annexed herewith and marked as Annexure P-13 and Annexure P-14 respectively. The CIC was pleased to order a hearing on 3-Sep-2014. At the hearing the Petitioner made oral submissions tracing the entire history of events and showing how the Respondent No.1 has unlawfully withheld information on various pretexts and virtually hoodwinked both the CIC and the Petitioner. The Petitioner herein also sent a written copy of his oral submissions to the CIC on 4th Sep 2014. Copy of the written submissions dated 4th Sep 2014 is annexed herewith and marked as Annexure P-15. Respondent No.1 made no oral or written submissions on the said date.

16. The Petitioner was shocked to receive the Order No. CIC/SS/A/2013/001593/SH dated 03-Sep-2014 of the CIC, Respondent No.2. A copy of the said order is annexed herewith and marked as Annexure P-16. In the said order CIC through one of its Information Commissioners, Shri Sharat Sabharwal, directed "the Registry to examine the matter concerning compliance with the order

dated 21.10.2013 within two weeks of issuance of this order." In that Order, he had opined that no separate order was necessary since an order had already been passed in the matter. He thus, disposed of the appeal without applying his mind to the fact that the Respondent No.1 was in wilful non-compliance with the order dated 21-Oct-2013 of the CIC as well as the contention of the Petitioner regarding the Respondent No.1's defiance of the CIC's order. The CIC not merely irrationally and arbitrarily delegated its statutory functions and duties to its "Registry", but also, abdicated his statutory functions and responsibilities without any application of mind. It appears that Respondent No.2, as CIC, has used Clause 11(iii) of the Right to Information Rules, 2012 and Clause 20 of the Central Information Regulations, 2007 to enquire into the matter. It is submitted that he erred in doing so, since he ought to have noted that another Information Commissioner, also as CIC, had already passed orders directing to furnishing of the information. He also ought to have noted that Respondent No.1

himself has admitted in letter dated 20 Dec 2013 (Annexure P-11) that the information has not be provided and has again taken recourse to Section 8(1)(d) of the RTI Act, thus denying the order of the CIC dated 21 Oct 2013 (Annexure P-12). It is hence, submitted that Clause 11(iii) of the Right to Information Rules, 2012 and Clause 20 of The Central Information Regulations, 2007 are not applicable here and Respondent No.2 has acted contrary to the provisions of the RTI Act. Assuming that the entrusting of such enquiry to the Registry within the meaning of the 2007 are not applicable here and Respondent No.2 has acted contrary to the provisions of the RTI Act. Assuming that the entrusting of such enquiry to the Registry within the meaning of the 2007 Regulations as mentioned above, it is humble submitted that such Rules and Regulations are in clear violation of express provisions of the Act and thereof have no force. Further, assuming without admitting that Respondent No.2 was within his powers to entrust the enquiry to the registry under the aforesaid provisions of the said Rules

and Regulations, there was no necessity at all for doing so, since documentary evidence before showed that Respondent No.1 had not furnished the information.

17. The Petitioner respectfully submits that he has no knowledge of what the "Registry" found in his examination of compliance of the earlier final order of the CIC (dated 21 Oct 2013) but it appears to him that the Deputy Registrar, Respondent No.3 herein, proceeded to comply with the directions of Respondent No.2 who had illegally arrogated to himself the authority of a bench of the Central Information Commission and issued the impugned Order of the CIC dated 3-Sep-2014 and had also proceeded to interpret/abridge/ modify/ review/ recall the earlier order in Case no. CIC/SS/A/2012/003157 dated 21-Oct-2013. Respondent No.2 ostensibly did not enquire into the matter as provided in Clause 11(iii) of the Right to Information Rules, 2012 and Clause 20 of The Central Information Regulations, 2007. It is not known whether he called any witnesses or

inspected any documents or called the third parties involved. Respondent No.3 ostensibly conducted his enquiry behind the back of the appellant/ petitioner herein. What transpired thereafter between Respondent No.2 and 3 is also not known. It has not been disclosed to the petitioner what findings Respondent No.3 arrived at based on the enquiries he is supposed to have made. The Respondent No.3 then issued a letter No. CIC/SS/2012/003157/SH dated 14-Oct-2014 purporting to convey the decisions of Respondent No.2, addressed to the CPIO of UIDAI (Respondent No.1) and Deputy Director UIDAI and marked a copy of the letter to the Petitioner. It is pointed out that instead of either issuing orders on the appeal of the petitioner to the CIC or writing to him, the CIC through its register wrote to Respondent No.1 telling him to provide limited financial information and allowing him to deny other vital information. The said letter dated 14th Oct 2014 is annexed herewith and marked as Annexure P-17. The Deputy Registrar, Shri Vijay Bhalla, Respondent No.3 herein, conveyed to

Respondent No.1 the revision/ amendment to the earlier final order of the CIC dated 21 Oct 2013 and stating that "Therefore, there shall be no disclosure with regard to the information concerning Technical Bid and Commercial Bid as it falls under the exemption category of Section 8(1)(d)". Respondent No.2 has thus abridged the ambit of the CIC's earlier order, which he has no authority to do. In what way Respondent No.2 is concerned with or interested in the contract these parties had with the UIDAI (Respondent No.1), who signed them on behalf the Government of India, is best known to him. It is submitted that the circumstances, which led Respondent No.2 to dilute the order of another Information Commissioner, would only be known by an inquiry into the circumstances that lead to such modification of the order. It is most respectfully submitted that such an inquiry is necessary as allowing Information Commissioners to modify orders of other Information Commissioners that had attained finality would lead to utter chaos and render the entire Act otiose.

18. Respondent No.2 had quoted three judgments to justify his opinion in the above-mentioned letter, which effectively denies the Petitioner Information sought under the RTI Act. It is pointed out that Respondent No.3 was only directed by the Information Commissioner to examine whether the order of the CIC dated 21 Oct 2013 has been complied with or not, the result of such and examination should have only led to a conclusion whether Respondent No.1 is in compliance of the order of the CIC or not. The Petitioner respectfully submits that the Respondent No.2 chose instead to interpret and abridge the earlier final order of the CIC and rule on the RTI Act, 2005, a power that has not been conferred on him by any law. Instead of himself examining whether the Respondent No.1 was in compliance with the order of the CIC dated 21 Oct 2013 he quite unnecessarily asked the "registry" of CIC to do so. In making such an attempt to reduce the scope of the final order of CIC he had quoted three, judgments to justify his view of application of

Section 8(1)(d) of the RTI Act. Further, as submitted earlier herein, Respondent No.3 did not give the Petitioner any opportunity during his enquiry to participate or rebut any contentions of any others he examined or any documents he inspected. Respondent No.2 did not give an opportunity to the appellant/ petitioner herein to make his submissions on the findings of Respondent No.3. Both Respondents Nos.2 and 3 have acted behind the back of the appellant/ petitioner thus violating the principles of natural justice.

19. Following the said revision to the final Order of the CIC as conveyed by Respondent No.3, Respondent No.1 sent a letter to the Petitioner herein dated 22-Oct-2014 merely furnishing the "limited information" i.e. the financial quotation by the third party firms involved and effectively refusing to provide copies of the portions of the contracts that were omitted earlier – in continuing defiance of the order dated 21-Oct-2013 passed by the

CIC. A copy of the said letter is annexed herewith and marked as Annexure P-18.

20. The Petitioner respectfully submits that the judgments cited by Respondent No.2, as conveyed by Respondent No.3 are not relevant for the purposes of this Petition and hold no ground as they deal with totally different circumstances. Further, Respondent no.2 had no power to decide on the applicability of Section 8(1)(d) or otherwise to the case since, this had already been determined by the CIC before passing the final orders dated 21 Oct 2013. Even so, the Petitioner respectfully submits that none of the judgments cited by Respondent No.2 are of any avail to Respondent No.1, as these deal with cases wherein no great public interest was established and perhaps involved parties interested in obtaining information of competitors in a tender bid were attempting to use the RTI Act for their private business purposes and wherein the nature of commercial confidence of the information in question and the grounds justifying the claiming of

exemption from disclosure under Section 8(1)(d) of the Act were pleaded and proved by evidence. However, in this case, the Petitioner had pleaded in every application and appeal for profound public interest that the disclosure of this information would serve as it affects every resident of this country. It is to be noted that this pleading has never been controverted by the Respondent No.1 in any of their submissions. The Respondent No.2, illegally appropriating power to modify the earlier order of CIC, passed by another Information Commissioner and one which had become final, went on to hold that "the appellant has not established any larger public interest warranting the disclosure of information in question", which even the Respondent No.1 never contended. The grave error of the CIC in so holding that public interest has not been established has been explained in earlier paragraphs.

21. The Petitioner herein respectfully reiterates that there is no greater public interest than in an issue, which affects every resident of the country and

the public interest in the matter is manifest and profound when Respondent No.1 contracts with private companies to gather personal information of all people resident here, store the data so collected and processes it for various uses, which affect their daily lives.

22. Further, in the case herein, the Respondent No.1 has not advanced any factual or legal argument to show how Section 8(1)(d) of the RTI Act, 2005 is applicable in spite of the Information Commissioner specifically directing him to do so in the Interim Order dated 26-Jul-2013 mentioned above. On the other hand, the Petitioner herein has made written submissions at every hearing justifying public interest and has also given reasons to the Appellate authority, the first of respondent No.1. The Respondent Nos.2 and 3, have chosen to illegally ignore the contentions of the Petitioner that public interest is involved since, the expenses for payment to the contractors are from public funds and that all residents in India including citizens, whose sensitive personal data

are collected by the Respondent No.1 using the services of the contractors, are indeed affected parties. Respondents No.2 and 3 as if they have appellate/ revisional/ review authority over another coordinate bench of the CIC, who passed the final orders representing the CIC, which they are not.

23. The Petitioner further wishes to point out how Respondent No.1 has consistently been acting contrary to the provisions of the RTI Act. In so doing they have even made false statements in replies to queries under the RTI Act. This is revealed through the documents available from another related RTI Application. In 2011, one Shri Veeresh Malik, r/o D-61, Defence Colony, New Delhi 110024 had filed an application desiring to know the full name, address and websites of the foreign companies which are of US (United States of America) origin and non-US origin who are contractors of UIDAI. Respondent No.1 herein, UIDAI, did not furnish the information sought to the applicant. He then appealed against the non-

disclosure of information requested. To this respondent no.1 herein, represented by Shri Davinder Kumar, acting as appellate authority, dismissed the appeal and replied vide letter no. F.12013/2011/RTI-UIDAI dated 21-July-2011 upholding the denial of information stating among other reasons. "There are no means to verify whether the said companies/ organisations are of US origin or not." The said order of the appellate authority of UIDAI is annexed herewith as marked as Annexure P-19. The statement is manifest misinformation. It is impossible that the officer of an Authority which has entered into a contract purporting to represent the Government of India with foreign companies does not know the country of origin of the company. The Petitioner respectfully submits that Government rules and procedures for any contract require due diligence to be exercised by the officials who represent it and who are responsible for ensuring that the contracts are fulfilled. Moreover, it is impossible that UIDAI's CPIO as well as the appellate authority did not know the country of origin of

their contractor, since on the first page of the contract the address of the contractors, since on the first page of the contract the address of the contractor is given and it is a US address. True copy of the first page of one such contract dated 24th August 2010 between the President of India through UIDAI and M/s L1 Identity Solutions Operation Company Private Limited, based at Bangalore is shown as subsidiary of a U S company, a Delaware U.S.A. Corporation is annexed herewith and marked as Annexure P-20. The other pages of the contracts are not relevant to the matter of this appeal and hence, have not been annexed.

24. The Petitioner humbly requests this Hon'ble Court to draw adverse inferences against Respondent no.1 to be acting against the spirit of transparency and open Government as enshrined under the RTI Act and under Article 19(1)(a) of the Constitution from the pattern of its illegal and irrational refusal of information and furnishing of deliberate misinformation which are attested by

344
76

incontrovertible documentary evidence and the way in which it has virtually hoodwinked the CIC into firsts appearing to have no objection to share the information in question; and then refusing to share the information behind CIC's back.

25. The Petitioner very humbly submits that the three respondents - all of whom are agencies of the State acted in unison and in a manner not permissible under the law, to deny the Petitioner, a citizen of India, his Constitutional and Statutory right to information. The CIC - Respondent No.2 and the Registrar, Respondent No.3 both knew that Respondent No.1 has been avoiding furnishing the information on one pretext or another on its contracts with private foreign companies, to the extent of even denying knowledge of the country of origin of the contracting firms. Both Respondents No.2 and 3 knew that the Respondent No.1 had taken recourse to Section 8.1.(d) of the RTI Act to avoid giving out this information. They knew too that the CIC in the Interim order had asked

Respondent No.1 to submit written statement justifying the application of Section 8.1.(d) to their stand that the competitive position of the companies could be compromised if the information is made public. They knew that Respondent No.1 failed to submit any written statement justifying his stand, but on the other hand, the said respondent submitted a letter to the CIC stating that since, the contractual obligations had expired he has no objections in giving copies of the contracts. Respondents No.2 and 3 knew that the CIC had then ordered Respondent No.1 to furnish the contract copies. They knew too that the CIC's order did not limit the information to be given to "limited financial information". Upon complaint by the petitioner, Respondents no.2 and 3 knew that Respondent no.1 had not furnished the complete contracts, but only some portion of these. Respondents no.2 and 3 knew that when the petitioner pointed out the action of Respondent no.1 in furnishing only some part of the contracts and holding back other parts without even informing the CIC and the

396

petitioner that Respondent No.1 has acted deceitfully in attempting to hoodwink both the CIC and the applicant/ appellant/ petitioner. Respondents No.2 and 3 know that the order of one Information Commissioner cannot be abridge or modified in any manner by another Information Commissioner. It is a simple matter for Respondent No.2 to appreciate that the earlier order of CIC has not been obeyed by Respondent No.1. After all, Respondent no.1 has himself stated in writing that he would not provide copies of the technical and commercial parts of the contract as the contractors have asked him not to do so. There was thus no need at all to ask the "Registry" to "Examine compliance" of the order of the CIC. Yet he chose to do so. This is inexplicable and calls for explanation. When the petitioner complained to the CIC that its orders are disobeyed, Respondent No.2 ought to have asked Respondent No.1 for an explanation and directed him to obey the order and impose penalties. Instead, Respondent No.2 has not even cared to reply to the complaint, but has conveyed through

347

the Registrar, Respondent No.3 to the defaulter, Respondent no.1 that it is sufficient to provide "limited financial information". Strangely, Respondent No.1 has even opined that "larger public interest has not been established warranting furnishing the information", when he knows full well that every act of Respondent No.1, including these contracts affect everyone in this country whose personal data and biometrics are collected using the services provided under these contractors and people of this Nation would be dependent on what is done with the data by Respondent No.1 and the contractors for all Government services such as purchase of LPG, obtaining rations, opening bank accounts etc. All three respondents have demonstrated a unity of purpose that the furnishing of information is not required, by Respondent No.1. After all, Respondent No.1 has himself stated in writing that he would not provide copies of the technical and commercial parts of the contract as the contractors have asked him not to do so. There was thus no need at all to ask the "Registry" to

348

"Examine compliance" of the order of the CIC. Yet he chose to do so. This is inexplicable and calls for explanation. When the petitioner complained to the CIC that its orders are disobeyed, Respondent No.2 ought to have asked Respondent No.1 for an explanation and directed him to obey the order and impose penalties. Instead, Respondent no.2 has not even cared to reply to the complaint, but has conveyed through the Registrar, Respondent no.3 to the defaulter, Respondent No.1 that it is sufficient to provide "limited financial information". Strangely, Respondent No.1 has even opined that "larger public interest has not been established warranting furnishing the information", when he knows full well that every act of Respondent No.1, including these contracts affect everyone in this country whose personal data and biometrics are collected using the services provided under these contractors and people of this Nation would be dependent on what is done with the data by Respondent No.1 and the contractors for all Government services such as purchase of LPG, obtaining rations, opening bank accounts etc. All

three respondents have demonstrated a unity of purpose that the furnishing of information is not required, thus upholding the contention of the foreign private company contractors. It is important to note that having accepted that the "Contractual obligations had expired" Respondent No.1 is estopped from now claiming that some part of the obligations under the contracts, such as confidentiality of technical and commercial information continue to be in force. It is hereby very humbly put forth by the Petitioner and with a great sense of responsibility that the actions of the respondents lead to an unmistakable conclusion of mala fides and that this Hon'ble Court, as a guardian of the Constitution and vested with extraordinary powers of judicial review and revision under Article 226/227 of the Constitution is hereby requested to take notice of this injustice and remedy the same.

GROUND

26. In view of the above, it is therefore necessary in public interest and in the interests of justice to

grant the reliefs prayed for herein on the ground that:

- (i) Because the order of Respondent No.2 dated 03-Sep-2014 directing the Registry to examine if Respondent No.1 is in compliance of its earlier order dated 21-10-2013 amounts to delegation of essential statutory function and abdication of statutory duties and is ultra vires the RTI Act. It is settled law that a delegate, in this case, Information Commissioner acting on behalf of the CIC, a delegate of the Parliament, has further sub-delegated the responsibility of deciding on the complaint by the Petitioner of non-compliance by Respondent no.1 to CIC's Registry which is clearly in violation of settled law that delegate potestas non potest delegare i.e. that delegate may not sub-delegate his powers unless the parent Act provides for such sub-delegation as settled in a number of cases including A K ROY v. State of Punjab (1986) 4 SCC 326.

- (ii) Because the order of Respondent No.2 dated 03-Sep-2014 directing the Registry to examine if Respondent No.1 is in compliance of its earlier order dated 21-10-2013 has been made without application of mind, is irrational and arbitrary and therefore in contravention of Article 14 of the Constitution of India.
- (iii) Because the letter dated 14-Oct-2014 by the Respondent No.3 conveying to the Petitioner the CIC's order upholding the contention of the Respondent No.1 appropriating for himself powers in the nature of review and/or revision and ruling on the merits of legal contention advance by the Respondents No.1 is ultra vires the RTI Act which confers no such powers. It is well-settled law that any decision of a public authority that takes into account factors that ought not have been taken into account or a decision that failed take into account factors that ought to be taken into account is an unreadable one and

therefore arbitrary and violative of Article 14 of the Constitution of India and is liable to be struck down on judicial review. For instance, one may refer to E.P. Royappa V. State of Tamil nadu (1974) 4 SCC 31 where Bhagwati J (as His Lordship then was) held that if the administrative action was 'arbitrary', it could be struck down under Article 14 and also Om Kumar & Ors. V. Union of India (2001) 2 SCC 386 which has laid down, inter alia, that such an action that any decision of a public authority that takes into account factors that ought not have been taken into account or a decision that failed take into account factors that ought to be taken into account is an unreasonable and an arbitrary one. In the instant case, the Information Commissioner, while passing the order dated 14-Oct-2014 and failed to consider that the order dated 21-Oct-2013 had attained finality and that it also considered factors such as the contention put forth by UIDAI after the

appeal had been decided, which ought not to have considered.

- (iv) Because one information Commissioner cannot overrule, modify, or re-interpret the order of another Information Commission which had become final in any given matter. That a judicial or a quasi-judicial authority cannot review or recall an earlier order is a well-settled legal principle in Indian Jurisdiction and one may refer to Indian National Congress (I) v. Institute of Social Welfare AIR 2002 SC 2158 for instance, which laid down that such a power to recall or rescind the earlier order when no such power is explicitly given shall only apply in cases where the earlier order was obtained by fraud and in the instant case, it is submitted that the earlier order dated 21-Oct-2013 was obtained after the Respondent no.1 submitted that it had no objections sharing the contracts and that there was no

fraud or forgery practiced in obtaining the order.

(v) Because the order dated 14-Oct-2014 of Respondent No.3 conveying views of the Respondent No.2 upholding the contention of the Respondent No.1 is ultra vires the terms of the Order dated 3-Sep-2014 of the CIC which empowered the Respondent No.3 to merely check for compliance of its earlier order.

(vi) Because the order dated 14-Oct-2014 by the Respondent No.2 upholding the contention of the Respondent No.1 without giving an opportunity of being heard for the Petitioner is violation of principles of natural justice and is therefore in contravention of Article 14 of the Constitution of India is liable to be struck down. It is well-settled law that any order passed without giving the parties a due opportunity to be heard is in violation of principles of natural justice (Hiranath v. the

Principal, Rajendra College (1973) 1 SCC 805).

(vii) Because the refusal to share copies of the said contracts in full by Respondent No.1 is illegal and is wilful disobedience of the CIC order dated 21-Oct-2013 and also a breach of statutory duty under the Right to Information Act.

(viii) Because the contention advanced before the Respondent No.2 by Respondent No.1, if any, (the petitioner is not aware of any such contention of Respondent no.1) the merits of which cannot be ruled or conveyed by the Respondent No.3 are wholly irrelevant and cannot form the basis of refusal to share the said information.

(ix) Because the contention advanced before the Respondent No.2 by Respondent No.1, if any, have no application in the present case and the claimed exemption from sharing the said

information is not legally sustainable in view of the fact that no factual grounds and legal arguments have been advanced justifying the claimed exemption under Section 8(1)(d) of the Act, as claimed.

- (x) Because the contention advanced before the Respondent No.2 by Respondent No.1, if any, shall have no application in the present case and the claimed exemption from sharing the said information is not legally sustainable in view of the fact that the profound public interest justifying the disclosure of the said information has been established by the Petitioner and therefore the exemption under Section 8(1)(d) of the Act, as claimed does not apply.
- (xi) Because Respondent No.1 did not give any written submission to the CIC justifying the application of Section 8(1)(d) of the RTI Act to the case in defiance of the Interim order of the CIC dated 26 Jul 2013.

357

(xii) Because Respondent No.1 submitted before the CIC at the final hearing on 10 Sep 2013 that it has not objections in furnishing copies of the contracts since, the contractual obligations had expired and should therefore have been estopped from pleading later that the contractors have asked not to disclose the information.

(xiii) Because there is no alternate remedy available for the Petitioner under the RTI Act or any other law to remedy the above mentioned illegalities that the Petitioner has suffered.

PRAYER:

Therefore, on the facts and in the circumstances of the case it is most humbly and respectfully prayed that this Hon'ble court may graciously be pleased to:

- A) Direct the Respondent No.1 UIDAI to comply with the order of the Respondent no.2 CIC dated 21-

358

Oct-2013 in Case no. CIC/SS/A/2012/003157 in full and immediately;

- B) Quash and set-aside the order of the Respondent No.2 CIC dated 03-Sep-2014 in File no. CIC/SS/A/2013/001593/SH directing its Registry to decide on the question of compliance, declaring it to be ultra vires the RTI Act and also arbitrary and irrational;
- C) Quash and set aside the order of Respondent No.2 as conveyed in letter dated 14-Oct-2014 bearing no. CIC/SS/A/2012/003157/SH by the Respondent No.3 Deputy Registrar, CIC declaring the same as ultra vires the Act and also in excess of the directions specified by the CIC in its Order dated 03-Sep-2014 in File no.CIC/SS/A/2013/001593/SH;
- d) Direct Respondent No.2 to impose an exemplary penalty of Rupees Twenty Five Thousand Only (Rs.25,000/-) under Section 20(1) of the RTI Act on each of CPIOs of Respondent No.1 UIDAI who

359

have been in wilful defiance of the CIC order dated 21.10.2013 in Case no. CIC/SS/A/2012/003157;

- E) Direct Respondent No.2 to recommend disciplinary proceedings under Section 20(2) of the RTI Act on each of the CPIOs of the Respondent No.1 UIDAI who have been in wilful defiance of the CIC order dated 21.10.2013 in Case no. CIC/SS/A/2012/003157 and have acted deceitfully;
- F) Call for the records in the appeal relating to the instant case before the CIC and direct the holding of an inquiry to determine the circumstance which constrained or motivated Respondent no.2 to abridge/ modify the order of another Information Commissioner and condone the wilful defiance of Respondent no.1 of the CIC's order; and
- G) Impose costs on the Respondents as applicable;

3960

H) Pass such other order or direction as the Court
deems fit in the interests of justice and in the
facts and circumstances of this case.

All of which are prayed for collectively and
alternatively.

FILED BY:-

[PRASANNA S./AAKARSH KAMRA & SIJU
THOMAS]

Advocate for the Petitioners

B-23A, Sagar Apartment,

6, Tilak Marg, New Delhi - 110001

Ph. 9811404903/011-23073290

Filed on: 06.12.2014

Place: New Delhi

361

IN THE HIGH COURT OF DELHI AT NEW DELHI
(CIVIL ORIGINAL JURISDICTION)

Writ Petition (Civil) No..... of 2014

IN THE MATTER OF:

Mathew Thomas

...Petitioner

Versus

Union of India & Ors.

...Respondents

AFFIDAVIT

I, Mathew Thomas, S/o Late T.P. John, 18A, 'Adarsh Vista', Basavanagar, Banalore 560066 presently at New Delhi, do hereby solemnly affirm and declare as under:-

1. That I am the petitioner in the above mentioned matter and am fully aware of the facts and circumstances of the present case and competent to swear the present affidavit.
2. That the contents of the accompanying petition have been drafted under my instructions by my counsel and I have gone through the same and the same has been read over to me and I state

382

that the contents of the same are true and correct
to my knowledge and belief.

3. That the annexures are true and correct copies of
their originals.

DEPONENT

VERIFICATION

Verified at New Delhi on this _____ day of 2014
that the contents of the above affidavit are true and
correct and nothing material has been concealed
therefrom.

DEPONENT

//True copy//

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

IA 1/2014 in CONTEMPT PETITION (C) NO. 144
OF 2014 IN W.P(C) NO(s). 494/2012

MATHEW THOMAS & ANR ...Petitioner(s)

VERSUS

VIVEK RAE & ORS ...Respondent(s)

(With appln(s) for directions)

Date: 30/04/2014 This matter was called on for
hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN
HON'BLE MR. JUSTICE J. CHELAMESWAR
HON'BLE MR. JUSTICE M.Y. EQBAL

For Petitioner(s) Ms. Aishwarya Bhati, Adv.

For Respondent(s) Mr. Mohan Parasaran, SG
Mr. Zoheb Hossain, Adv.
Ms. Sunita Sharma, Adv.
Mr. D.S. Mahra, Adv.

UPON hearing counsel the Court made the following

ORDER

The contempt application has been filed with
the grievance that the order passed by this Court on
23rd September, 2013 is not being complied with and

the respondents had been asking for collection of biometric and demographic data of all personnel for assessing the UID database.

Ms. Aishwarya Bhati, learned counsel for the applicant has submitted that the order passed by this Court is being flouted by the respondents and in support of her case, she has placed reliance upon an advertisement given in the newspapers published from Bangalore asking people to enroll in the UID Scheme to avail LPG subsidy benefits and she has further submitted that the Addar Card is being given to migrants in the North-East without determining as to whether they are National or anti-National elements or whether they are authorised or non-authorised immigrants and, therefore, action should be taken against the respondents for violating the orders passed by this Court on 23rd September, 2013.

The Court had passed the following order on 23rd September, 2013 :-

"In the meanwhile, no person should suffer for not getting Aadhaar Card in spite of the fact that some authority had issued a circular making it

mandatory and when any person applies voluntarily, it may be checked whether that person is entitled for it under law and it should not be given to any illegal immigrant."

Subsequent thereto, the matter was taken up by this Court on 24th March, 2014 and while dealing with SLP(Crl.) No. 2524/2014 and the Court passed the following order:-

"...In the meanwhile, the present petitioner is restrained from transferring any biometric information of any person who has been allotted the Aadhaar number to any other agency without his consent in writing. More so, no person shall be deprived of any service for want of Aadhaar number in case he/she is otherwise eligible/entitled. All the authorities are directed to modify their forms/circulars/likes so as to not compulsorily require the Aadhaar number in order to meet the requirement of the interim order passed by this Court forthwith."

Be that as it may, in response Mr. Parasaran, learned Solicitor General has submitted that the authorities have taken appropriate steps to ensure the compliance of orders passed by this Court from time to time and to buttress the said

submission, letter dated 25th March, 2014 issued by the Government of India, Ministry of Petroleum and Natural Gas has been produced in the Court which reads as under:-

"I am directed to inform you that as per the decision taken by Govt. on 6 Feb, 2014, DBTL Scheme has been kept in abeyance till further orders in 291 DBTL districts where it was implemented and the system of providing subsidized cylinders to all domestic LPG consumers on payment of the applicable subsidized price for each such cylinder (as applicable in remaining districts of the country) has been reintroduced in all the above DBTL districts.

2. The Govt. has also set up a committee headed by Ex-Director, IIT Kanpur Prof. S.G. Dhande to review the functioning of the DBTL scheme and give its recommendations to the Ministry.

3. In view of the above, it is requested that you may kindly convey the Ministry's decision to

Hon'ble Supreme Court during the course of hearing, if deemed fit."

In view of the above and assurance given by learned Solicitor General, we are of the considered opinion that so far as the contempt in respect of collecting the demographic data for LPG cylinders is concerned, it is not required. So far as the issuance of Addhar card to the illegal migrants is concerned, it requires serious consideration in view of the provisions of the Indian Passport Act and cannot be adjudicated upon in such summary proceedings particularly in view of the provisions contained in Section 6(A) of the said Act which deals with the situation prevailing in the State of Assam. Thus, it is kept open to the learned counsel for the parties to agitate the said issue at the time of final hearing of the matters.

With these observation, IA stands disposed of.

(DEEPAK MANSUKHANI)
Court Master

(M.S. NEGI)
Assistant Registrar

//True Copy//

NIPFP Macro Finance

A cost-benefit analysis of Aadhaar

National Institute of Public Finance and Policy
November 9, 2012

Abstract

This study estimates the costs and benefits of Aadhaar. We find that substantial benefits would accrue to the government by integrating Aadhaar with schemes such as PDS, MNREGS, fertiliser and LPG subsidies, as well as housing, education and health programmes. The benefits arise from the reduction in leakages that occur due to identification and authentication issues. Our analysis takes into account the costs of developing and maintaining Aadhaar, and of integrating Aadhaar with the schemes over the next ten years. Even after taking all costs into account, and making modest assumptions about leakages, of about 7-12 percent of the value of the transfer/subsidy, we find that the Aadhaar project would yield an internal rate of return in real terms of 52.85 percent to the government.

//True Copy//

ANNEXURE R-17

Press Information Bureau
Government of India
Other Cabinet Committees

27-January-2012 19:07 IST

Aadhaar enrolments beyond 20 crore

The Cabinet Committee on Unique Identification Authority of India related issues (CC-UIDAI) today, after detailed deliberations and taking note that the purposes of UIDAI and NPR are different, agreed that the NPR and UIDAI enrolments should proceed simultaneously, with suitable provisions to eliminate avoidable overlap. The Committee approved the following modalities for the roll out of Aadhaar and NPR:

- a. UIDAI will be allowed to enrol additional 40 crore residents beyond 20 crore already recommended by the EFC.
- b. In States, where UIDAI has made good progress where State/UT Governments have given commitments for Aadhaar enrolments and are planning to integrate Aadhaar with various service delivery applications, Aadhaar enrolments through Non-RGI Registrars will

move at full speed within the ceiling of 60 crore (20 crore + 40 crore). A suggested list of States/UTs was also approved.

- c. The NPR enrolment will continue as envisaged, but if in the course of enrolment, a person indicates he/she is already enrolled for Aadhaar, the biometric data will not be captured by NPR. Instead the Aadhaar number/enrolment number will be recorded in NPR and the biometric data will be sourced from the UIDAI.
- d. Detailed protocols will be worked out by Inter Ministerial co-ordination Committee (IMCC) already constituted by the Ministry of Home Affairs so as to smoothly implement this simultaneous effort.

The financial proposal relating to Aadhaar enrolments of additional 40 crore will be separately placed before the EFC. Pending this approval, UIDAI is allowed to continue Aadhaar enrolment beyond 20 crore so that the momentum of the field formations is not lost. Provision will be made in the budget for 2012-13 in anticipation thereof.

The additional cost for enrolment and logistics pertaining to printing and delivery of Aadhaar letters in respect of the 40 crore additional enrolments will

be brought before the EFC for their recommendation and to the CC-UIDAI for approval.

The UID project is primarily aimed at ensuring inclusive growth by providing a form of identity to those who do not have any identity. It seeks to provide UID numbers to the marginalized sections of society and thus would strengthen equity. Apart from providing identity, the UID will enable better delivery of services and effective governance.

The modalities and detailed protocol for smooth implementation of simultaneous enrolment by the Non-RGI Registry of UIDAI and the RGI will be finalized by the IMCC within the overall directions given by the CC-UIDAI. The enrolment through Non-RGI Registrars of UIDAI will be for an additional 40 crore population.

Background:

The Unique Identification Authority' of India (UIDAI) was established in 2009 and has been mandated to issue Unique Identification (UID) numbers to the residents of India. It may be recalled that UIDAI was constituted by the Government of

India in January, 2009 as an attached office of the Planning Commission. Prime Minister's Council of UID Authority was constituted on 30th July, 2009 and its first meeting was held on 12th August, 2009. Subsequently, the Government constituted a Cabinet Committee on Unique Identification Authority' of India related issues (CC- UIDAI) in October, 2009 to look into all issues relating to UIDAI including its organization, plans, policies, programmes, schemes, finding and methodology to be adopted for achieving the objectives of the Authority. Consequent upon the creation and establishment of the Unique Identification Authority of India in 2009 for providing unique identification to the residents across the country, an estimated 17 crore enrolments have been completed by the various Registrars of UIDAI and as on 20.1.2012, 11.90 crore Aadhaar numbers generated.

//True Copy//

373

Annexure R-18 (Call)

Office of the Deputy Commissioner, Mysore District,
Mysore

Phone: 0821-2424079, 2422302 Fax: 0821-2429012

No.

Date: 17/22.01.2011

To

The Principal Secretary,
e-governance,
M.S. Building
Dr. Ambedkar Veedhi,
Bangalore - 560 001

Sir,

Sub: Alleged irregularities in enrolment process -
Telecast by one of electronic channels -
action taken.

Ref: i) E-mail dated 10-1-2011 from CEO, Center
for e-governance
ii) Letter addressed to Dr. D.S.Raveendran
from Deputy Director General, UIDAI,
Bangalore dated 5/1/2011

With reference to the above I would like to bring
to the kind notice of your goodself the action taken as
follows:

1. In response to the adverse TV coverage on
Aadhaar we have issued a press note on 2-1-2011

itself clarifying the following points to general public.

- i) To obtain Aadhar, a resident has to furnish documents only as per the approved documents of proof of address, proof of identity and admissible as documentary proof for enrolment under Aadhaar.
- ii) At the time of enrolment, a resident is issued only an acknowledgement and enrolment ID. This enrolment ID is not the unique ID number issued by the UIDAI. The enrolment ID is not an identity document and cannot be used for obtaining any certificates.
- iii) UID is issued by the UIDAI, only after a de-duplication exercise at the Central ID Repository. The Unique ID is mailed directly to the postal address furnished at the time of enrolment by the UIDAI.

- iv) A resident cannot get more than one UID as each UID is issued for a unique set of biometric information collected through finger prints, iris and the photograph.
2. We have also clarified to the general public that there is no fee for applying or for obtaining Aadhaar. The application is provided at the enrolment centre free of cost and there is no charge for enrolment.
3. Residents and the general public have been requested not to patronize or encourage middlemen/touts, and any such incident of soliciting by middlemen or employees of the enrolment agency should be brought to the notice of the Deputy Commissioner/Additional Deputy Commissioner Mysore district.
4. The news item has appeared in all the news papers on 3-1-2011 itself. (Copies enclosed)

5. Comat Agency had allowed affidavits as an address proof/ proof of identity at the enrolment centre. This has already been stopped.
6. Some agents who had created the affidavits in the name of Chairman UIDAI & alleged terrorist have been seized by the police and enrolment has not taken place in respect of these affidavits.
7. As reported there were some intermediaries who used to misguide the citizens. They have been warned sufficiently.
8. Appointment orders have been issued to verifiers and training has been given on 5-1-2011 at 5.30 pm in our office.
9. Case has been booked in N.R.Mohalla Police Station (copy of FIR is enclosed). Auto driver Siddaraju has been arrested and is in jail. Police have interrogated Comat Agency co-ordinator Mr. Shivakumar and his assistant Mr. Madhusudhan.

10. TV9 has already covered one more news item covering all the action points.

11. Procedure and system has been streamlined and at present there are no problems.

Yours Sincerely,

Sd/-
Deputy Commissioner,
Mysore District, Mysore

Copy to Chief Executive Officer, Center for e-governance, Government of Karnataka, M.S. Building, Bangalore-560 001

Copy to Deputy Director General, Government of India, Planning Commission, Unique Identification Authority of India, Bangalore - 560 001.

378

FIRST INFORMATION REPORT
(Under Section 154 Cr.P.C.)

FIR Number: 01

Police Station: Narasimharaja

FIR Date : 05.01.2011 District : Mysore City

Type : FIR

State : Karnataka

2. ACT AND SECTIONS

ACT

SECTION

IPC 1860

468, 471, 420

3.(a) Occurrence of Offence:

Date From: 01.01.2011

Date To: 01.01.2011

Time From: 00.00.00

Time To: 00.00.00

Time Period: Saturday

(b) Information Received at P.S. Date: 05.01.2011

Time: 08.00.00

(c) General Diary Reference Entry No(s): Time:

05.01.2011 AT 08.00.00 AM

4. Type of Information: REPORT

5. Place of Occurrence: IN FRONT OF BALABHAVAN
BANNIMANTAP, MYSORE CITY,
KARNATAKA

(a) Direction and Distance from P.S.: 1 KM
TOWARDS WEST

Beat No. 8th

(b) Address IN FRONT OF BALABHAVAN
BANNIMANTAP, MYSORE CITY,
KARNATAKA

(c) In case outside limit of this Police Station,
then name of P.S. District:

6. Complainant/ Informant:

(a) Name: SRI YASHAVANTHA KUMAR K.N.

(b) Father's/Husband's Name:

(c) Date/Year of Birth:

(d) Nationality: INDIA

(e) PassPort No:

(f) Date of Issue:

(g) Place of Issue:

(h) Occupation: POLICE INSPECTOR

Address: Narashimaraja Police Station, Mysore City

7. Details of known/suspected/unknown accused with
full particulars:

1.....2.....3.....4.....5.....6.....

7.....8.....9.....

8. Reasons For Delay in reporting by the
Complainant/Informant:

9. Particulars of Properties Stolen/Involved: --

10. Total Value of Properties Stolen/Involved:

11. Inquest Report/ U.D. Case No., if any: --

12. First information Contents :-

To

The Honorable Judge,
Mysore City 3rd Additional 1st Civil Court (Junior
Division)

Appeal,

I am hereby appealing the following before this Honorable Court. I was in my police station this morning when one of my informers informed me through telephone that on 01-01-2011 at 9.30 pm, TV-9 news channel has reported that money was being collected from people and fake documents were being created at Balabhavan and other areas of the city. It has also been informed on TV -9 that people who are not permanent residents, who are residing in other places are being given Adhaar Registration/UID registration numbers based on fake affidavit. Request has been placed to me to investigate the matter as, if investigation is done in this regard, fraudulent scams can be unearthed.

I contacted the local representative of TV-9 Sri Ram immediately and collected the details of the reported matter. The details of the fraud as heard from the people are as detailed below.

Madhusudan, Khalil, Mahadeva, Puttaswamy, Venkatamma, Mahadevaiah, Mahesha, Ali, Siddaraju and others who are residents of Mysore and residing near Bala Bhavana, have colluded hands with the

Central Government Notary N.V. Subramanya. Leaving blank space in place of name, address in the stamp paper, and other personal details such as number of years of residence at the place of residence mentioned, date of birth and age, Attestation signature of the Notary was obtained without getting the signature of the Applicants/Declarers. Such stamp papers are being used by getting color photocopies and filling the details of the residents who are not having any documents regarding permanent residence. These fake documents were enclosed along with the Adhaar Application Forms for getting Adhaar Registration Number. Rs.100 to Rs.5,000 were collected from the residents who were desirous of getting Adhaar Numbers using these fraudulent documents. In this regard, the Additional Dy. Commissioner vide a press statement has stated that there is no legal provision for giving declaration in the news paper.

As it is necessary to unearth these fraudulent scams and take legal action on persons involved, on behalf of the Government, I have registered a case under Section 420, 468, 471 of IPC Act and submitted this complaint before this honorable court at 08.00 am on 05-01-2011.

NRPS
K.N. Yashavanta Kumar, PI
Mysore
Police Inspector

City

382

Dated
Narasimharaja Police Station

05-01-2011

Mysore City

13. Action Taken: Since the above information reveals
commission of offence(s) u/s as mentioned at Item
No.2:

(1) Registered the case and took up the
investigation or

(2) Directed (Name of I.O.) SRI YASHAVANTHA
KUMAR K.N.

Rank: PI Number: 0900230294

to take-up the investigation or

(3) Refused investigation due to

(4) On point of jurisdiction transferred to P.S....

District State.....

F.I.R. read over to the Complainant/ Informant,
admitted to be correctly Recorded, and a copy
given to the complainant/ Informant free of cost.

R.O.A.C.

Sd/-
Signature of the Officer-in-charge
Police Station Mysore City
Name: SRI YASHAVANTHA KUMAR K.N.
Rank: PI Number: 0900230294

14. Signature/ Thumb impression of the
Complainant/Informant

15. Date & Time of dispatch to the Court Date:
05.01.2011 Time: 08.30.00

COPY SUBMITTED:-

1. TO THE COMMISSIONER OF POLICE, MYSORE CITY
2. TO THE ASST. COMMISSIONER OF POLICE, NARASIMHARAJA DIVISION, MYSORE CITY
3. STATION COPY
4. COMPLAINANT COPY

1. What are the names and addresses of the accused?

Names mentioned in FIR copy (enclosed) may be referred.

2. Have charges been filed against them? If so what are the charges and in which court have they been filed?

Case has been booked in N R Mohalla Police Station. Auto Driver Mr. Siddaraju has been arrested and is in jail. Report from DC, Mysore is enclosed.

3. Who was the registrar and were any employees of the registrar involved?

No employees were involved.

4. Was there any collusion between the accused and government officials?

No.

5. How many false UID numbers have been issued through the accused?

No UIDs have been issued for the

6. Was the fraud detected before or after the TV 9 expose?

The fraud was detected after TV 9 expose.

7. In how many of the registration centers did such fraud take place?

Only one centre as mentioned in the FIR registered.

8. How was the crime committed and what steps have been taken to prevent recurrence of such crimes?

- Press release was issued by DC, Mysore on 2-01-2011
- News item appeared in all the newspapers on 3-1-2011
- Affidavits in the name of Chairman, UIDAI and Terrorist have been seized by the Police and enrolment has not taken place in respect of these affidavits

- TV9 has already covered one more news item covering all the action points.
- Procedure and system has been streamlined and at present there are no problems.

//True copy//

387

ANNEXURE R-19 (col 4)

F. No. 22(02)/PF II/2011
Ministry of Finance
Department of Expenditure (PF-II Division)

New Delhi, dated the February 14, 2011

OFFICE MEMORANDUM

Subject: Issues relating to potential use of UID platform for strengthening the public delivery system

Reference may please be made to the meeting held on February 04, 2011 chaired by the Finance Minister on the subject mentioned above.

2. In this context, I am directed to inform you that the Government has constituted a Task Force under the Chairmanship of Shri Nandan Nilekani, Chairman, Unique Identification Authority of India (UIDAI) to recommend and implement a solution for direct transfer of subsidies on Kerosene, LPG and Fertilizer to the intended beneficiaries.

3. A note on the constitution of above referred Task force, containing the Terms of Reference (ToR) and other details is enclosed for necessary action.

4. This issues with the approval of the Finance Minister.

(Neehar Ranjan Pandey)
Deputy Secretary (P.F. II)
Tel: 23093109

To

1. Sh. P.K. Basu, Secretary(Agriculture);
2. Sh. S. Sundareshan, Secretary (Petroleum & Natural Gas);
3. Sh. B.K. Sinha, Secretary (Rural Development);
4. Sh. B.C. Gupta, Secretary (Food & Public Distribution);
5. Dr. Sutanu Behuria, Secretary (Fertilizers);
6. Sh. R. Gopalan, Secretary (Economic Affairs);
7. Sh. R.S. Sharma, D.G. (UIDAI); and
8. Sh. Arun Jha, Joint Secretary (Chemicals & Petrochemicals).

Task Force on Direct Transfer of Subsidies on
Kerosene, LPG and Fertilizer Preamble

The Government of India provides Kerosene at subsidized prices to BPL families under the Public Distribution System (PDS). There is overwhelming evidence that this policy of giving kerosene at subsidized prices under the PDS is resulting in waste, leakage, adulteration and inefficiency. As per the NSS rounds (50th, 55th & 61st), while Kerosene use for cooking in urban and rural populations has shown a decline, LPG use for cooking has increased significantly. In addition, the sales/consumption of Kerosene (PDS and open market) during these rounds remained stagnant. This shows that PDS Kerosene is being diverted for purposes other than being used as a poor man's fuel for cooking and lighting. Therefore, it is imperative that the system of delivering the subsidized Kerosene be reformed urgently.

Domestic LPG is both heavily subsidized and available in unlimited quantity. The burden of subsidy can be reduced by either raising the price or reducing the quantity or both. Provision and delivery of subsidized LPG to intended beneficiaries is required to be undertaken.

Fertilizer subsidy, as it exists today, is available to all farmers. Large farmers, growing cash crops, are as much entitled to subsidy as the small and marginal farmers. It is not possible to differentiate the segments for which the subsidy should be given in this sector. The subsidy is, presently, given to the manufacturers of the fertilizers rather than the farmers directly.

Need for Reform

In the light of the above problems in the present system of subsidising Kerosene, LPG and Fertilizer, there is a need to evolve a suitable mechanism for direct subsidies to individuals/families who are entitled to Kerosene, LPG and Fertilizer.

An effective mechanism for preventing leakages and diversion in Kerosene is to move towards a system of subsidy being passed on to BPL beneficiaries as identified by the Ministry of Rural Development through alternate mechanisms.

In the present system of subsidy on Fertilizers, there is a need to evolve a suitable mechanism for direct subsidies to individuals who are entitled to them. If a system of direct subsidy to the farmer is adopted, it becomes possible for the Government to differentiate, and decide which segment of farmers should receive subsidy (size of land-holding could be the differentiator and/or it could be nature of crop). It also becomes possible to bring in quantum restrictions- either by way of a ceiling on amount of subsidy or amount of fertilizer. As an intermediate step, release of subsidy to retailers by using aadhaar numbers, aadhaar based transactions and aadhaar authentication service can be undertaken. Department of Fertilizers has compiled a list of all

registered retailers of fertilizers. This can be considered for utilisation.

Objectives of the Reform

The Reform must essentially have the objective of being an implementable model of direct transfer of subsidies on Kerosene, LPG and Fertilizers to the intended beneficiary. It should also ensure that the subsidy reaches the intended beneficiary.

To achieve these objectives it would be necessary to study the existing systems and re-engineer existing systems, processes and procedures in the implementation process, design appropriate IT systems and bring about changes in the administrative system and supply chain management.

The Unique Identification Authority of India (UIDAI) has been established to issue unique identification numbers (aadhaar numbers) to the residents of India and to provide for authentication of identity. The UIDAI has started issuing aadhaar numbers across the country. With Aadhaar becoming a reality, it is possible for bringing about reforms in

the present system by exploiting the potential of aadhaar number for identification, aadhaar-enabled transactions and aadhaar authentication service provided by the UIDAI. Successful implementation of such a system for Kerosene and LPG will pave the way for direct food subsidy to the BPL families at a later stage.

Constitution of a Task Force

The Government hereby constitutes a Task Force under the Chairmanship of Shri. Nandan Nilekani, Chairman, Unique Identification Authority of India (UIDAI) to recommend and implement a solution for direct transfer of subsidies on Kerosene, LPG and Fertilizer to the intended beneficiaries.

Composition of the Task Force

The Task Force will be headed by Shri. Nandan Nilekani, Chairman, UIDAI. The other members of the Task Force would be:

1. Expenditure Secretary

2. DFS Secretary
3. Secretary, Petroleum and Natural Gas
4. Secretary, Chemicals and Fertilizer
5. Secretary, Rural Development
6. Secretary, Agriculture
7. Secretary, Food and Public Distribution
8. DG, UIDAI
9. State Government representatives as decided by the Task Force

The Task Force can also co-opt other members who are, inter alia, experts, academicians and domain specialists to the Task Force based on necessity.

Terms of Reference

1. The Task Force will study the present mechanism of transfer of subsidies on Kerosene, LPG and Fertilizer, challenges and problems in the governance structures and delivery systems;
2. Examine and suggest an implementable solution for direct transfer of subsidies on Kerosene, LPG and Fertilizer to intended beneficiaries with the use of Aadhaar numbers (Unique Identification numbers), aadhaar enabled transactions and aadhaar authentication infrastructure of the UIDAI;
3. Identify and suggest required changes in the existing systems, processes and procedures, IT frameworks and supply chain management;
4. Oversee and evaluate the implementation of the solution proposed on a pilot basis through the concerned Implementing Ministries; and
5. Suggest a common framework to adopt the above solution of direct subsidies in cash or

otherwise for other Government welfare schemes.

Working Groups

The Task Force is empowered to constitute Working Groups to look into specific issues.

Reports

Interim report

The Task Force would submit its Interim Report of an implementable solution within four months of its constitution. The recommendations of the Interim Report would be implemented on a pilot basis by the concerned Ministries under the supervision of the Task Force in the following six months from the date of submission of the Interim Report.

Final Report

The Final Report would be submitted thereafter which would include the results of the implementation of the solution on the field.

Secretariat

A Joint Secretary from the Ministry of Petroleum and Natural Gas will be nominated to function as Secretary of the Task Force. The Task Force will be serviced by the Ministry of Petroleum and Natural Gas and secretarial assistance will be provided by it.

//True copy//

397,9 (copy)
Annexure R-1

F. No. 22(02)/PF II/2011
Ministry of Finance Department of Expenditure
(PF-II Division)
New Delhi, dated the July 13, 2011

OFFICE MEMORANDUM

Subject: IT Strategy for PDS and an implementable solution for direct transfer of subsidies on food and kerosene—Task Force regarding

Reference may please be made to this Department's communication of even number dated February 14, 2011 vide which a Task Force was constituted under the Chairmanship of Shri Nandan Nilekani, Chairman, Unique Identification Authority of India (UIDAI) to recommend and implement a solution for direct transfer of subsidies on Kerosene, LPG and Fertilizer to the intended beneficiaries.

2. It has been decided to extend the Terms of Reference of the Task Force to the reforms of PDS, so as to also include the following:

- i. Identify and suggest required changes in the existing systems, processes and procedures, IT frameworks and supply chain management;

- ii. Recommend institutional mechanisms to implement the IT strategy for PDS; and
- iii. Examine and suggest an implementable solution for direct transfer of subsidies on food and kerosene to intended beneficiaries with the use of Aadhaar numbers (Unique Identification numbers), Aadhaar enabled transactions and Aadhaar authentication infrastructure.

3. Task Force will submit its Report on an IT Strategy for PDS and an implementable solution for direct transfer of subsidies on food and kerosene by August 31, 2011. The Task Force may consult the State Governments and other stakeholders in this regard.

4. The MoCAFPD shall provide secretarial assistance to the Task Force for this particular mandate.

Joint Secretary (BP, PD & NFSA) is nominated to function as the nodal officer.

//True copy//

MOST IMMEDIATE
F.No. 171/2/2008-CA.V
Government of India
Cabinet Secretariat
Rashtrapati Bhawan

...
New Delhi, the 22nd January, 2009
OFFICE MEMORANDUM

Subject :- Issues raised by the EGoM to collate two schemes, viz., the National Population Register (NPR/MNIC) under the Citizenship Act, 195, and the Unique Identification Number (UID) project of the D/o Information Technology.

Reference D/o Information Technology's O.M. No. 3(27)/2006-EGPMU(Pt 1), dated 26th December, 2008 regarding Governance Structure, Institutional Framework, Organizationval Structure and staff component of the Unique Identification Authority of India (UIDAI). While giving approval to the constitution of the UIDAI, with a core team of 115, including ten personnel at the central level including one Director General and Mission Director, and one Deputy Director General, the EGoM had directed Planning Commission to place the detailed proposal with the complete structure, rest of the staff

component and organizational structure of UIDAI before the Cabinet Secretary for his consideration, prior to seeking approval under normal procedure through the DoE/CCEA.

2. The Proposal has been considered by the Cabinet Secretary in pursuance of the decisions of the Empowered Group of Ministers taken in their meeting on 4th November, 2008, and it is accordingly recommended that-

(i) The notification for constitution of the UIDAI, along with creation of the core team as approved by the EGoM be issued immediately and steps should be taken to make the Core Team operational.

(ii) A High Level Advisory, Monitoring and Review Committee headed by Deputy Chairman, Planning Commission, consisting of following members may be constituted to oversee the work of the authority.

(a) Member/Secretary, Planning Commission.

(b) Home Secretary.

- (c) Secretary, D/o Information Technology.
- (d) Secretary, Planning Commission.
- (e) Director General & Mission Director as Member Secretary.

(iii) A Member, Planning Commission or the Secretary, Planning Commission may also be assigned the task of looking after the work proposed, in the structure outlined by the Planning Commission, of the Chief UID Commissioner.

(iv) As approved by EGoM, the Core Team consisting of Director General & Mission Director with other supporting staff may be put in place immediately. Need based created of posts can be undertaken later after due examination in each case.

This issued with the approval of Cabinet Secretary.

(C.S.Kedar)
Joint Secretary
Tele : 23011964

To

- (i) Dr. Subas Pani, Secretary, Planning Commission.

//True copy//

402

AANEXURE R-20

Request for Empanelment (RFE)

EMPANELMENT OF ENROLLING AGENCIES

FOR UNDERTAKING DEMOGRAPHIC AND BIOMETRIC
DATA COLLECTION FOR UID ENROLMENT

Unique Identification Authority of India (UIDAI)
19th May 2014

1. INVITATION FOR PROPOSAL

To,

Dated: 19th May, 2014

1. Unique Identification Authority of India (UIDAI) invites requests for Empanelment of Enrolling Agencies (EA) for carrying out the enrolment of residents for the Unique Identification (UID) project of Government of India. Existing Enrolment Agencies desirous of renewal and up-gradation may also apply.

2. Private Companies, Government Companies, PSUs, Semi-Government Organizations, NGOs, Not-for-Profit Organizations, Microfinance institutions etc. are eligible to participate in this empanelment process

3. The Request for Empanelment (RFE) includes the following sections:

a. Scope of Work

- b. Process for Empanelment/ re-empanelment
- c. Cover Letter and Application Form
- d. Terms and Conditions for Empanelment/ re-empanelment

4. The "Request for Empanelment" is available on the website <http://uidai.gov.in/> for free download.

The interested parties may submit their proposal with all supporting documents at the address for communication given below :

Address for Communication:

To

Deputy Director
Enrolment and Update Division
Unique Identification Authority of India (UIDAI),
Planning Commission, Govt. of India (GoI),
2nd Floor, Tower I, Jeevan Bharati Building,
Connaught Circus,
New Delhi - 110001.

5. Amendments in RFE: At any time , UIDAI may for any reason, modify the RFE. The modifications will be notified on UIDAI's website and such amendments shall be binding on the applicants.

6. The Director General, UIDAI reserves the right to accept/ reject any request and to annul the empanelment-process and reject all requests at any time prior to empanelment without, thereby, incurring any liability to the affected applicant(s) or UIDAI or any obligation to inform the affected applicant(s) of the ground for such decision.

7. Clarification on request Submitted: During evaluation, UIDAI may, at its discretion, ask the applicant(s) for clarification on their request. The applicant(s) are required to respond within the time frame prescribed by UIDAI.

1.1 Definitions and Acronyms

1. AADHAAR – Brand name associated with UIDAI.
2. Authority – Unique Identification Authority of India (UIDAI).
3. Biometric Data – refers to the facial image, iris scan and fingerprints collected by the Enrolment Agency from the enrolees based on the standards prescribed by the UIDAI and by following the

process laid down for the purpose. The data collected is passed on to the UIDAI as per the process prescribed.

4. CIDR: Central Identities Data Repository
5. CSC – Common Service Centres operating as franchisees of Service Center Agency (SCA) within a State, as part of the CSC Scheme of the National E-Governance Plan of India.
6. DDSVP – Demographic Data Standards and Verification Procedure.
7. De-duplication – the process of using the Demographic and Biometric data collected from an enrollee to check against data so as to avoid duplicate enrolments.
8. Demographic Data – refers to the personal information collected or verified by the Enrolling Agency based on the data fields prescribed by the UIDAI and by following the process laid down for the purpose. The data collected is passed on to the UIDAI as per the process prescribed.
9. DIT – Department of Information Technology.

10. Enhancement / Upgrade – refers to request for upgrade of Technical & Financial status of existing empanelled Agencies based on their technical and financial capacities.
11. Enrolling Agency/ Enrolment Agency – The Agency appointed by the Registrar for collection of the Demographic and Biometric data in the area assigned by the Registrar.
12. Enrolment – refers to the exercise of collection of demographic data after verification, collection of biometrics, and the allocation of the UID number after de- duplication.
13. Successful Enrolment – Enrolment that results in Aadhaar number generation
14. Enrolment Centre – refers to the premises located in the area where the enrolment is being carried out. One Enrolment Centre can host multiple Enrolment Stations.
15. Enrolment Station – refers to an individual enrolment booth/enclosure inside the Enrolment Centre. The capture of Demographic and Biometric data is done in this Station.

16. KYC – Know Your Customer.
17. KYR – Know Your Resident.
18. KYR+ - details for Verification beyond identification (KYR)
19. Financial Year – From April 1st to March 31st
20. Manual – Resident Enrolment Process Document
21. MoU – Memorandum of Understanding.
22. NGO – Non Government Organization.
23. NPR – National Population register.
24. Operator – the person employed by the Enrolment Agency and engaged in the capture of Demographic and Biometric Data.
25. Supervisor – the person employed by the Enrolment Agency and engaged in managing the Enrolment Center Operations and handling exceptions.
26. ORGI – Office of Registrar General of India.
27. PoA – Proof of Address.
28. PoI – Proof of Identity.
29. Registrar – Any Organization / Department/Local Body / Corporate Body / NGO with whom the UIDAI has entered into a Memorandum of

Understanding for covering issues related to the implementation of the UID Project.

30. Renewal: Renewal of empanelment of existing empanelled EAs.

31. Resident – Normal resident of India.

32. RFP – Request for Proposal.

33. RFQ – Request for Quotation.

34. UID – Unique Identification.

35. UIDAI – Unique Identification Authority of India.

2. INTRODUCTION

2.1 The Government of India (GoI) has embarked upon an ambitious initiative to provide Aadhaar Number, a Unique Identification (UID), to every resident of India and has constituted the Unique Identification Authority of India (UIDAI) for this purpose. The scale of the UID initiative is unprecedented and its implementation will involve active participation of Central, State, and Local Governments, as well as public and private sector agencies across the country. The UID has been envisioned as a means for residents to easily and effectively establish their identity, to any agency,

in adherence to the processes, guidelines, instructions and software issued by UIDAI. The purpose of this empanelment is to facilitate selection of the Enrolment Agencies by the concerned Registrars/Sub-Registrars through a separate RFQ. Empanelment does not tantamount to allotment of Enrolment work to the Applicants. The terms Enrolling Agency and Enrolment Agency used interchangeably hereafter mean the same. AADHAAR is the brand name associated with UIDAI and is synonymous with UID.

2. SCHEME FOR EMPANELMENT OF ENROLMENT AGENCIES

Through this scheme, UIDAI intends to empanel a mix of organizations to enroll residents from the entire spectrum of the Indian population and to ensure that the enrolment activities are rolled out in the remotest villages of India and to the marginalized section of society. This RFE invites applications from organizations for empanelment to undertake enrolment work.

The RFE is open to all eligible organizations (including Govt./Semi-Govt./ Private/ NGOs/ Not-for-Profit/ Microfinance Institutions), which are (i) registered and operating in India for the last three years and (ii) having an average annual turnover/grants-in-aid of at least INR 50 lac in case of NGOs/ Not-for-Profit OR a Net Worth of at least INR 50 lac in case of Commercial Organizations/ PSUs/ Govt. companies/ Autonomous bodies, in each of the last three (3) financial years (2011-12, 2012-13 & 2013-14).

Sub-Contracting of Enrolment Work is not allowed for private/ commercial Organizations/PSUs /Govt. Companies /Autonomous bodies. However, field level manpower such as enrolment operators and supervisors can be hired through third parties. EAs will be required to provide details of the companies from which they are going to hire this manpower to their Registrars before commencing enrolment operations. Government Organizations may choose to franchise enrolment work to CSCs/ Local Government bodies.

It is advised that staff of the EA wears uniform at enrolment centre so that if residents need help, they can easily identify employees by their attire. All field operators deployed for collecting pre-enrolment data must carry identity card, and letter of authority from the concerned Registrar. EA must ensure compliance to Labour laws and all statutory provisions in various Labour regulations such as EPF, ESI, Industrial Disputes Act, Contract Labour Act, Minimum Wages etc.

4. MINIMUM ELIGIBILITY CRITERIA

4.1 A Single company/ organization (e.g. Govt./ Semi-Govt./ Private/ PSU/ NGO/ Not-for- Profit/ Microfinance Institution) or Consortium of companies/ organizations (maximum of 4 members) registered in India and in existence for at least three (3) years as on 31.3.2014, are eligible to submit proposals for empanelment for the project.

4.2 In case of a Consortium, one of the members of the consortium should act as the Prime Agency and shall be solely responsible to the Registrar for executing the enrolment activities and contractual obligations, if selected for carrying out enrolment activities. The Prime Agency should submit the Request for Empanelment proposal on behalf of the Consortium.

4.3 The applicant (single agency/ all consortium members) must be incorporated or registered in India under the Indian Companies Act, 1956 (including Section - 25 of the Act)/ Partnership Act, 1932 / Societies Registration Act 1860/ the Indian Trusts Act 1882/ it's equivalent in the respective States OR must be Proprietorship entities having a PAN number.

4.4 The applicant in case of Private/ PSU/ Govt. Company/ Commercial Organization/ Autonomous Body (single agency/ Prime Agency in case of a consortium) should have had a Net Worth of at least INR 50 lac in each of the last three financial years

ending 31st March 2012, 2013 and 2014 as evidenced by the audited accounts of the organization.

4.5 The applicant in case of NGOs/ Not-for-Profit organization (single agency/ Prime Agency in case of a consortium) should have had an average annual turnover/ grants-in- aid of at least INR 50 lac in each of the last three financial years ending 31st March 2012, 2013 and 2014 as evidenced by the audited accounts. However, the NGO/ Not-for- Profit organization must be non-political and non-denominational organization with no affiliation to any political parties or religion.

4.6 The applicant, except NGOs and Not for-profit organisations, should have reported profits(Profit Before Tax), in at least 2 (two) of the last 3 (three) Financial years, i.e. 2011-12, 2012-13& 2013-14 as declared by audited account/certified balance sheet of financial statement reported in India.

4.7 The applicant (single agency/ consortium members) should not have been blacklisted by Central, or any State/ UT Government. The applicant (single agency/ consortium members) shall not be under a declaration of ineligibility for corrupt financial practices.

4.8 The applicant (single agency/ consortium members) should not have their field enrolments currently suspended by UIDAI/ their Registrars, and/or refused empanelment on account of performance in the Aadhaar project in the past, by UIDAI.

4.9 Only those applicants /existing EAs, who meet the eligibility criteria specified above, will be eligible to respond to this RFE. The applicant's request should be submitted on the prescribed form, with the relevant information & supporting documents to substantiate the eligibility of the applicant vis-à-vis the minimum eligibility criteria.

4.10 An agency with more than 10 lakhs Aadhaar generated in last financial year and performance on DMS, upload delay, BE,DE and PE are satisfactory, they will not be subjected to minimum eligibility criteria. However, their financial / Technical tier shall be decided as per the relevant provisions in the RFE.

5. MANDATORY LIST OF DOCUMENTS TO BE SUBMITTED

5.1 Covering letter in Annexure-I of this RFE signed by the Director/Authorized Personnel of the applying agency (prime agency in case of consortium).

5.2 Application Form as given in Annexure II.

5.3 Fees for Request for Empanelment/Renewal /Enhancement (in separate envelope).

5.4 Certificate of Incorporation from Registrar of Companies (RoC) or Certificate of Registration/ Evidence of legal status of applicant (Single Agency/ all Consortium members) only in case of new

Applicants. Those seeking renewal/upgrade of empanelment need not submit this.

5.5 Letter of Association in case of Consortium and certified true copy of the Consortium agreement between the Prime applicant and the other members of the consortium, describing the respective roles and responsibilities of all the members, in meeting the overall scope and requirements of the proposed Project.

5.6 Auditor certified financial statements for the financial years 2013-14, 2012-13 and 2011-12 (Please include the sections on P&L, Turnover, Assets and Balance Sheet) should be provided by all types of applicants.

5.7 In case, the audited certified financial statements for the financial year 2013-14 is not available, a certificate from the Auditor authorised to audit the financial statements of the organisation, specifying the Net worth and Turnover/ Grants-in-aid

of the organization as of 31.3.2013 should be provided for the same. Existing empanelled EAs should only submit accounts/Auditor's certificate for 2013-14. However, they should provide information for all 3 years on the Application Form. To calculate Net worth, refer Annexure for Application Form for Empanelment.

5.8 Proof for Organization PAN Number, VAT/Service Tax number is required only in case of new Applicants. Those seeking renewal/up-grade of empanelment need not submit this.

5.9 Profile of the Organization giving relevant details of nature of work, experience, infrastructure, resources etc. only in case of new Applicants. Those seeking renewal/up-gradation of empanelment need not submit this.

5.10 In case of renewal, brief details of the contract(s) signed with the Registrar /activities

undertaken for UIDAI exercise. Details of Bids made be included in case no contracts were awarded.

5.11 Certificate of satisfactory performance from the Registrar concerned in case of EAs which have commenced enrolments.

Applications which do not contain the above mandatory documents may be rejected for non-compliance of RFE requirements without any further opportunity.

6. SCHEME OF CATEGORIZATION

The scheme aims to categorize enrolment agencies on the basis of their Technical Capability as well as Financial Capacity for undertaking enrolment functions. While the technical capability addresses the maturity of an organization to undertake enrolment functions in the Aadhaar landscape in terms of number of trained operators and experience in biometric enrolment, the financial capacity addresses the capacity of an organization to undertake enrolment activities in multiple States.

The Technical Capability of an organization shall be assessed at a 3-Level maturity continuum while the Financial Capacity shall be assessed based on a 4-Tier structure, as given below:

6.1 Technical Capability

The technical capability of an enrollment agency shall be assessed at 3 levels as given below: I. Level T1

- Entry:

All organizations (single agency/consortium) interested in undertaking enrolment activities for the UIDAI project shall be empanelled under Level T1, provided they meet the minimum eligibility criteria.

II. Level T2 – Skilled:

Organizations (single agency/ consortium) can progress from Level T1 to Level T2 if the organization (single agency/ consortium) has completed 1 Lac Aadhaar enrolments which has resulted in issuance of Aadhaar number.

III. Level T3 – Experienced:

Organizations can get empanelled / progress to Level T3 on completing 10 Lac successful Aadhaar enrolments, which has resulted in issuance of Aadhaar numbers.

Level T3 (Experienced)	10	Lac	Aadhaar
enrolments which			has
resulted in issuance of			
Aadhaar numbers			

Level T2 (Skilled)	1	Lac	Aadhaar	enrolments
which has				resulted in
issuance of Aadhaar				
numbers				

Level T1 (Entry)	All	agencies	that	meet
minimum				eligibility
criteria				

Fig. 1: Snapshot of Technical Capability Levels and Criteria

6.2 Financial Capacity

I. Tier F1:

a. Commercial Organizations (Single Agency/ Prime Agency in case of a consortium) which have a Net worth between INR - 50 Lac and not exceeding INR 2 Crores as of 31.3.2014 shall be eligible for 'Tier F1' empanelment.

b. NGOs/ Not-for-Profit Organizations which have an annual turnover/ Grants-in-aid between INR 50 Lac and not exceeding INR 2 Crores as of 31.3.2014 shall be eligible for 'Tier F1' empanelment.

c. Organizations which are eligible for empanelment under Tier F1 can evince interest in undertaking enrolment work in a maximum of 2 States/ UTs. Tier F1 organizations can take upto maximum of 25 Lac Aadhaar Enrolments in a year.

II. Tier F2:

- a. Commercial Organizations (Single Agency/ Prime Agency in case of a consortium) which have a Net worth above INR 2 Crores and not exceeding INR 5 Crores as of 31.3.2014 shall be eligible for 'Tier F2' empanelment.
- b. NGOs/ Not-for-Profit Organizations which have an annual turnover/ Grants-in-aid above INR 2 Crores and not exceeding INR 5 Crores as on 31.3.2014 shall be eligible for 'Tier F2' empanelment.
- c. Organizations which are eligible for empanelment under Tier F2 can evince interest in undertaking enrolment work in a maximum of 4 States/ UTs. Tier F2 organizations can take up a maximum of 50 Lac Aadhaar Enrolments in a year.

III Tier F3:

- a. Commercial Organizations (Single Agency/ Prime Agency in case of a consortium) which have a Net worth above INR 5 Crores and not exceeding

INR 20 Crores as of 31.3.2014 shall be eligible for 'Tier F3' empanelment.

b. NGOs/ Not-for-Profit Organizations which have an annual turnover/ Grants-in-aid above INR 5 Crores and not exceeding INR 20 Crores as of 31.3.2014 shall be eligible for 'Tier F3' empanelment.

c. Organizations which are eligible for empanelment under Tier F3 can evince interest in undertaking enrolment work in a maximum of 8 States/ UTs. Tier F3 organizations can take up a maximum of 250 Lac Aadhaar Enrolments in a year.

IV Tier F4:

a. Commercial Organizations (Single Agency/ Prime Agency in case of a consortium) which have a Net Worth greater than Rs 20 Crores as of 31.3.2014 shall be eligible for 'Tier F4' empanelment.

b. NGOs/ Not-for-Profit Organizations which have an annual turnover/ Grants-in-aid greater than

INR 20 Crore as of 31.3.2014 shall be eligible for 'Tier F4' empanelment.

c. Organizations which are eligible for empanelment under Tier F4 can evince interest in undertaking enrolment work. Tier F4 organizations can take up a maximum of 500 Lac Aadhaar Enrolments in a year.

Non Government Organizations/ Not-for-Profit Organizations

Commercial Organizations/ PSUs/ Autonomous bodies
Grant in Aid/ Turnover > INR 20 crores

No. of States/UTs – any number

No. of Enrolments – max 500 Lac

Tier F4

Net worth > INR 20 Crores Operates at a National level No. of States/UTs – any number

No. of Enrolments – max 500

Lac

Grant in Aid/ Turnover of INR 5

Crores to 20 Crores

No. of States/UTs – max 8

No. of Enrolments – max 250 Lac

Tier F3

Net worth - INR 5 Crores to 20 Crores

No. of States/UTs – max 8

No. of Enrolments – max 250 Lac

Grant in Aid/ Turnover of INR 2

Crores to 5 Crores

No. of States/UTs – max 4

No. of Enrolments – max 50 Lac

Tier F2

Net worth - INR 2 Crores to 5 crores

No. of States/UTs – max 4

No. of Enrolments – max 50 Lac

Grant in Aid/ Turnover of INR

50 Lac to 2 crores

No. of States/UTs – max 2 No.

of Enrolments – max 25 Lac

Tier F1

Net worth - INR 50 lac to 2 Crores

No. of States/UTs – max 2

No. of Enrolments – max 25 Lac

Fig 2: Snapshot of Financial Capacity Tiers and Bid Capacity in terms of maximum number of States and maximum number of Aadhaar enrolments in a year.

7. SALIENT POINT FOR EMPANELMENT

- a) The empanelment for Enrolment Agency by UIDAI is a continuous process throughout the year. The applications received during a month shall be evaluated and finalized in the following month. In case number of applications received is less than 5, the UIDAI at its discretion may defer the evaluation to next month.
- b) Duration of empanelment is three years.

c) Applicants shall select between Level T1, T2 and T3 based on their technical capability.

d) Applicants shall select between Tier F1 to Tier F4 based on the financial capacity of the Applicant (single agency/ prime agency in case of consortium) and shall accordingly mention the names of the States/UTs in which the Applicant is interested in undertaking enrolment work, in the Application Form.

In case the applicant evinces interest in more number of States/UTs than what the applicant is eligible for based on Financial tier

(i) the first eight States/UTs cited shall be considered for Tier F3 applicants

(ii) the first four States/UTs cited shall be considered for Tier F2 applicants and

(iii) the first two States/UTs cited shall be considered for Tier F1 applicants.

e) Request for change in States, Technical Tier and Financial Tier will be considered once in a financial year, after the year of empanelment. The financial and technical parameters required for

change in technical and financial tier shall be as on 31 March of the previous financial year.

f) It may be noted that evincing interest in a particular State does not in any way guarantee the allocation of enrolment work in that State either in part or in whole. The discretion of work allocation within a State lies solely with the respective Registrar. Empanelment with UIDAI does not guarantee that any or all applicants shall be invited to bid for, or be awarded any project/assignment as a result of this empanelment.

g) Consortium partners' experience shall be evaluated only for assessment of Technical Capability and shall not be considered for assessment of Financial Capacity of the applicant.

8. SCOPE OF WORK

a) The scope of work of the Enrolling Agency (EA) includes the following:

i. Procure enrolment hardware, software including Biometric Devices as per UIDAI specifications;

- Upgrade to latest requirements as per process/technology changes from time to time
- ii. Hire & Train Manpower for Enrolment; supervise the enrolment process at the field level to ensure that the enrolments are in accordance with prescribed processes and guidelines of UIDAI
 - iii. Enrol Operator/Supervisors; Certify, Register and Activate them at UIDAI
 - iv. Software Installation, Configuration and Registration
 - v. Setting up of Enrolment Centre(EC) and Enrolment Stations (ES)
 - vi. Set up a Help Desk at Enrolment Centre for Crowd Management and addressing Resident Grievances
 - vii. Help Create Awareness
 - viii. Capture Demographic and Biometric Data using UIDAI enrolment client
 - ix. Data Transfer to UIDAI
 - x. MIS
 - xi. Ensuring Data Privacy and Security

xii. Document Management as per UIDAI document hand over process and guidelines issued from time to time.

b) To understand the complete scope of work of an Enrolment Agency, refer the latest versions of the following documents available in the "Process Manuals and Guidelines" section on UIDAI website

<http://uidai.gov.in/registrar-enrolments.html> :

i) EA roles and responsibilities – for activities that an EA needs to undertake during the Aadhaar Enrolment Program.

ii) Checklist for Setting up Enrolment Centre – for hardware and software requirements and specifications at enrolment centre and station level that the EA needs to arrange/procure. Note that GPS and scanning of documents may be made mandatory by UIDAI at any time.

c) For Hiring and Training of Manpower, refer following documents:

i) Operator roles and responsibilities – for Operator hiring

- ii) Supervisor roles and responsibilities -for Supervisor hiring
- iii) Capability Building Framework – for training of EA personnel
- d) In addition applicants must familiarize themselves with the following documents for understanding of Aadhaar process and requirements:

- i) Resident Enrolment Process Document ii) EA Checklist for Refresh Phase
- iii) Suspension Policy
- iv) Data Quality Policy
- v) Data Protection and Security Guidelines for EA

UIDAI accords highest priority to quality of data and will impose penalties for Demographic and Process errors. EA must apprise itself and ensure compliance with the latest versions of policy /process/technology requirements and guidelines issued by UIDAI from time to time.

9. PROCESS OF EMPANELMENT

9. 1 How to Apply for Empanelment with UIDAI

UIDAI will publish this document in a few leading newspapers of English and Hindi and on their website <http://uidai.gov.in/> for the benefit of interested parties to empanel with UIDAI. The following is a description of the procedure for submission of application:

- a) Interested parties are required to read the document completely to ascertain that they fulfill all the eligibility criteria. They are also advised to go through various process documents available on UIDAI website including the ones referred to in the section for "Scope of Work".
- b) Fill the Cover Letter in Annexure I and the Application Form completely as given in Annexure II. Cover Letter must be signed by the Director/ authorized personnel. Applications with incomplete/ ambiguous information and lacking mandatory documents will be rejected and no correspondence will be entertained in this regard.

- c) The Proposal and all associated correspondence shall be written in English and shall conform to prescribed formats. Any interlineations, erasures or over writings shall be valid only if they are initialed by the authorized person signing the Proposal.
- d) Please write 'APPLICATION FOR NEW EMPANELMENT or RENEWAL OF ENROLMENT AGENCIES', as the case may be, and the name of the applicant on the outer envelope.
- e) Hard copy of application with empanelment fees in the form of Demand draft and necessary supporting documents in hard copy should be submitted at the following

Address :

To

Deputy Director

Enrolments and Update Division

Unique Identification Authority of India

(UIDAI), Planning Commission, Govt. of

India (GoI),

2nd Floor, Tower I, Jeevan Bharati
Building, Connaught Circus,
New Delhi - 110001.

9. 2 Pre- Application Queries

Prospective applicants, requiring any clarification on the RFE may post their queries to the following email ID < rfe.ea@uidai.net.in > UIDAI shall attempt to provide responses to all such queries on-line within 5 working days.

9. 3 Renewal of Empanelment

Those EAs who are already empanelled with UIDAI and desirous of renewing their empanelment with UIDAI may submit following information along with supporting documents wherever necessary along with the application-

A. Empanelled agencies who did not get any work orders:

- (i) Name of States/UTs for which they were eligible to undertake work as per terms and conditions of empanelment but the Company did not submit bids, giving reasons.

- (ii) Name of States/UTs for which they are eligible and wherein the Company submitted bids vis-à-vis their financial categorization (F1, F2, F3 and F4).
- (iii) Work order received but cancelled later on. B.
Empanelled agencies who received work orders:
 - (i) Certificate of satisfactory performance from their Registrars.
 - (ii) Brief details of the contract signed with the Registrar /activities undertaken for UIDAI exercise.

9. 4 Fees for Request for Empanelment

The RFE is available to be downloaded online, free of cost. However at the time of submission of RFE, applicants are required to pay INR 10000/- towards Request for Empanelment Fees in the form of Demand Draft drawn in favor of "Pay and Accounts Officer (PAO)", UIDAI, New Delhi" payable at New Delhi. This RFE Fees should be included along with the Application in a separate cover and this fee is Non-Refundable.

Those EAs who are already empanelled with UIDAI and desirous of renewing their empanelment with UIDAI may submit their request in the prescribed proforma (Annexure-

II) along with a fee of INR 5000/- drawn in favour of Pay and Accounts Officer (PAO), UIDAI, New Delhi.

The empanelment shall be valid for a period of three year subject to compliance of all requirements.

The Enrollment agency shall pay the prescribed fees for renewal of empanelment at the time of next RFE.

"The selected applicants shall be required to furnish an unconditional and irrevocable Bank Guarantee equivalent to INR 200000/-, from a scheduled commercial bank in India valid for the entire period of empanelment. The Bank Guarantee shall be drawn in favour of PAO, UIDAI, New Delhi. The Bank Guarantee should be submitted within 30 days of the date of communication of the acceptance of the request for empanelment as Enrolment Agency with UIDAI." Validity of Bank Guarantee should last at least 60 days beyond the normal term of

empanelment. Breach/default of the Terms and Conditions of the said Empanelment, and non-compliance with directions to rectify in given time frame will result in invoking of the Bank Guarantee. The existing EAs seeking renewal of empanelment have the option to get their existing Bank Guarantees extended suitably for the new term.

9.5 Evaluation for Empanelment based on Technical Capability

The process of evaluation for Empanelment of Enrolling Agencies shall be as given below:

9.5.1 Evaluation for Empanelment at Level T1

Evaluation for empanelment at Level T1 involves the assessment of the applicant organization through documentary evidence for its nature of business, stated competence, financial turnover and organization background and its suitability for UIDAI enrolment activities. This stage of evaluation requires:

- a) Cover Letter in prescribed format in Annexure I signed by the Director/Authorized Personnel

- b) Application Form in prescribed format, given at Annexure II in hard copy
- c) Demand Draft of Request for Empanelment Fees along with the Application
- d) Registration details of the organization (all consortium members in case of consortium)
- e) Letter of Association in case of consortium and certified true copy of the agreement between the prime applicant and the other members
- f) Brief write-up on organization's activities, nature of business, locations, number of employees (all consortium members in case of consortium)
- g) Annual Turnover/Grants in Aid/Net Worth details & supporting documents for last three financial years
- h) PAN number and VAT/Service Tax number proof verification i) States/ UTs in which the applicant is interested to work UIDAI may also conduct a background check of the applicant, wherever deemed necessary, and shall have the complete right to disqualify an applicant, in case the

information provided by the applicant is found to be incorrect.

9.5.2 Evaluation for Empanelment at Level T2 & Level T3

The applicants have to satisfy the General Eligibility Criteria and submit all the mandatory list of documents. In addition, for Level T2 / T3, the Enrolment Agency should submit the information on the name, EA code and the number of Enrolments which have resulted in successful Aadhaar generation. UIDAI shall verify these details with the information generated by the Management Information System (MIS). On successful verification, the Enrolment Agency shall be empanelled/ elevated to Level T2 /T3 status depending upon eligibility.

9.6 Evaluation for Empanelment based on Financial Capacity

The Enrolment Agencies shall be empanelled under Tier F1, Tier F2, Tier F3 or Tier F4 based on the

Net Worth (for Commercial Organizations) as on 31.3.2014 OR Annual Turnover/ Grants-in-Aid (for NGOs/ Not-for-Profit Organizations) as on 31.3.2014. Empanelled Enrolment Agencies may progress to a higher tier only once in a financial year. .

9.7 Letter of Empanelment

After scrutinizing the complete details, UIDAI will empanel the applicants indicating the level of technical capability, States/UTs in which to undertake enrollment work, and bid capacity. The empanelled agencies will be issued a letter of empanelment which will also include the terms and conditions of the empanelment. Refer Annexure IV for Draft Terms and Conditions of Empanelment.

9.8 Disqualifications

UIDAI may, at its sole discretion, and at any time during the evaluation of proposal, disqualify any

application received for empanelment, if the applicant has:

- a) Submitted the application after the response deadline.
- b) Not submitted Cover letter and/or Application Form.
- c) Incomplete/ Inconsistent information in application form/ cover letter with respect to the documents provided / financial details of the applicant organization.
- d) Made misleading or false representations in the forms, statements and attachments submitted as proof of the eligibility requirements.
- e) Exhibited a record of poor performance such as abandoning works, not properly completing the contractual obligations, inordinately delaying completion or financial failures, etc. in any project in the preceding three years.
- f) Submitted a proposal that is not accompanied by required documentation or is non- responsive.

- g) Failed to provide clarifications within requisite timeframe, related thereto, when sought.
- h) Net worth certificate submitted is not signed by a certified auditor in case of Private organizations and NGOs.
- i) Non-submission of certificate of satisfactory performance from the Registrar concerned in case of EAs which have commenced enrolments.
- j) If Agency has submitted more than one proposal, then only the first one will be considered
- k) Prosecuted for corrupt and fraudulent practices in any court of law.
- l) Blacklisted by any Government of India / State / UT Government or declared ineligible by the Govt. of India/State/UT Adm. for corrupt and fraudulent practices
- m) Agencies undertaking certification of Operator /Supervisors/ Master Trainers for UIDAI project will not be eligible for empanelment as Enrolment Agency or vice versa.

- n) Non-adherence to UIDAI prescribed processes, instructions, guidelines, in case of already empanelled agencies.
- o) Non-performance or poor performance during 2013-14, in case of already empanelled agencies.
- p) Agencies whose application was rejected on account of demographic or process errors will not be considered.

9.9 Termination or cessation of Empanelment

- a) Without prejudice to any other right or remedy it may have, either party may terminate this Agreement at any time by giving one month advance notice in writing to the other party.
- b) UIDAI reserves the right to withdraw/ terminate empanelment of applicant in any of following circumstances:
 - 1. Submission of false particulars/fake documents for securing empanelment.
 - 2. Information provided to UIDAI is found to be incorrect.

3. Evidence of Sub-contracting of enrolment work
4. Empanelment conditions are not met within the specified time period.
5. Applicant becomes insolvent, bankrupt; resolution is passed for the winding up of the applicant's organization.
6. Significant changes to the organization leading to change of management, or in the course being conducted, are not notified to UIDAI.
7. Non co-operation during audits/inspections by UIDAI/Registrars/auditing agencies empanelled/appointed by these.
8. Conditions arising from audits are not met within the specified time period.
9. Misleading claims about the empanelment status are made.
10. Clear evidence is received that empanelled agency is in breach of copyright.
11. Non-adherence to the UIDAI enrolment processes and guidelines, which includes use of latest enrolment client version, timely client sync and upload of resident data packets.

12. Not uploading correct enrolment center details.
13. Poor quality of biometrics and demographics data.
14. Poor performance reports/Complaints received against the Enrolment Agency.
15. Usage of biometric devices which are not approved by UIDAI.
16. Deploying Enrolment Operators/supervisors who either do not have their Aadhaar generated and/or are uncertified and /or inactive as per UIDAI activation protocols.
17. Mismanagement of the enrolment centers. Poor performance reports from performance monitors.
18. Not maintaining the confidentiality of the documents, data collected or any other violation of UIDAI data security guidelines for Enrolment Agencies.
19. Non-provision of necessary infrastructure at the enrolment centers.

20. Undertaking enrolment operations at locations without valid agreement /approval of the Registrars

21. Soliciting information outside the scope of work

22. Any other reasons deemed fit by UIDAI

10. POST EMPANELMENT PROCESS AND AWARD OF WORK

10.1 Compilation of Database of Empanelled Enrolling Agencies

- a) Upon completion of the RFE process, UIDAI will intimate successful applicants. The empanelled agencies will be issued a letter of empanelment which will also include the terms and conditions of the empanelment. The successful Applicants will have to accept and return a signed copy of the terms and conditions of empanelment as a token of their acceptance of the terms and conditions. They will also submit a Bank Guarantee, as prescribed by UIDAI, within 15 days of Letter of Empanelment, failing which the offer of empanelment will be withdrawn without any further correspondence.

- b) The UIDAI will compile a database of all the eligible and qualified Enrolling Agencies (EA) and categorize them as per the Level and Tier classification described above.
- c) The UIDAI will make available the list of all empanelled enrolling agencies (as per the indicative format and details shown above) to Registrars who wish to engage enrolling agencies for UID enrolment work. This list will be published on UIDAI portal <http://uidai.gov.in/registrar-enrolments.html>
- d) Using the above information, Registrars will be able to access details of the technical capability (Levels T1 to T3) and bid capacity (Tiers F1 to F4) for the enrolling agencies.
- e) The information contained in this list shall be subject to revision at frequent intervals based on updated information provided by EAs, Registrars, and information obtained from the UID Management Information System (MIS).

10.2 Award of Enrolment Work to Empanelled EAs The Empanelment of an Enrolment Agency requires Acceptance of the terms and conditions of enrolment and submission of the Bank Guarantee. No agreement / contract will be signed by the Enrolment Agency with UIDAI, nor does the empanelment of an enrolment agency commit any enrolment work to the agency. The empanelled agencies have to compete and seek enrolment work from the Registrars alone, who will sign appropriate contracts with them on acceptance of their bids.

11. GENERAL TERMS AND CONDITIONS

The following terms and conditions are of a general nature, and are given here only for the information of the prospective enrolling agencies. Every project and assignment shall be awarded subject to the specific terms and conditions applicable to that project which will be imposed through specific contracts and agreements to be signed for that project. UIDAI will not sign any contract directly with the empanelled enrolling agencies.

11.1 Nativity: The organization must be registered and audited statement must be declared in India.

11.2 Relationship: Nothing mentioned herein shall be construed as relationship of master and servant or of principal and agent as between the 'UIDAI and 'the applicant. No partnership shall be constituted between UIDAI and the applicant by virtue of this Empanelment, nor shall either party have powers to make, vary or release contractual obligations on behalf of the other party, or represent that by virtue of this or any other empanelment, a partnership has been constituted, or that it has any such power. The applicants shall be fully responsible for the services performed by them or on their behalf.

Neither party shall use the other parties name or any service or proprietary name, mark or logo of the other party for advertising or promotional purpose without first having obtained the other party's prior written approval.

11.3 Performance Assessment:

EA's performance will be assessed during the execution of the project / assignment and any deficiencies and short-falls will be dealt with in accordance of the contract terms associated with the project / assignment. It could also lead to termination/withdrawal of empanelment as well as imposition of penalties in case of demographic data and process errors.

11.4 Fraud and Corruption:

UIDAI requires that the enrolment agencies empanelled through this process must observe the highest standards of ethics during the performance and execution of the awarded contract(s).

11.5 UIDAI will reject the application for empanelment, if the applicant recommended for empanelment, has been determined by UIDAI to having been engaged in corrupt, fraudulent, unfair trade practices, coercive or collusive.

These terms are defined as follows:

- (a) "Corrupt practice" means the offering, giving, receiving or soliciting of anything of value to influence the action of UIDAI or any personnel in contract executions.
- (b) "Fraudulent practice" means a misrepresentation of facts, in order to influence a procurement process or the execution of a contract, to UIDAI, and includes collusive practice among applicants (prior to or after Proposal submission) designed to establish proposal prices at artificially high or non-competitive levels and to deprive UIDAI of the benefits of free and open competition.
- (c) "Unfair trade practices" means supply of services different from what is ordered on, or change in the Scope of Work which was agreed to.
- (d) "Coercive practices" means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in the execution of contract.
- (e) "Collusive practices" means a scheme or arrangement between two or more applicants

with or without the knowledge of the UIDAI, designed to establish prices at artificial, noncompetitive levels;

- (d) UIDAI will reject an application for empanelment, if it determines that the applicant recommended for empanelment has, directly or through an agent, engaged in corrupt, fraudulent, unfair trade, coercive or collusive practices in competing for the contract in question.

11.6 Confidentiality: Information relating to evaluation of application and recommendations concerning empanelment shall not be disclosed.

11.7 Governing Language: All contracts and documents shall be written in English Language.

11.8 Applicable Law: Applicable Law means the laws and any other instruments having the force of law in India as they may be issued and in force from time to time.

11.9 Legal Jurisdiction: The interpretation validity, and performance of this document, shall be governed in all respects in accordance with the Indian Laws. All legal disputes between the parties shall be subject to the jurisdiction of the Courts situated in Delhi only.

11.10 Duration of Empanelment: The empanelment under the scheme shall be valid for three years.

11.11 Advertising and Promotion: The advertisement and marketing material (posts, marketing brochure content on the website, emails and postal letters etc.) used by the enrolling agencies shall be in accordance with the guidelines laid down by UIDAI. The enrolling agencies shall not use the Name of UIDAI, its brand name – AADHAAR, and its Logo, to promote their interest in any manner in any programme not connected / related or being undertaken for UIDAI.

11.12 Enrolment guidelines: UIDAI has the discretion to change the prescribed procedure for enrolment, setting up of enrolment station/ centre and the staffing of the enrolment stations/centres without prior notice.

11.13 Indemnity: The applicants will indemnify UIDAI against any misuse of UIDAI Name, Brand Name - AADHAAR and Logo. For any misuse of UIDAI name and logo, the applicant themselves will be held responsible. UIDAI will take necessary actions for such cases. UIDAI will not be responsible for any miscommunication or harm caused to any party because of any misrepresentation of its name and logo by the applicant.

11.14 Conflict of Interest: UIDAI requires that empanelled enrolment agencies shall provide professional and objective services and at all times hold the UIDAI's interests paramount, strictly avoid conflicts of interest with other assignments or their own corporate interests and act without any consideration for future work. The fidelity of the enrolment process and the enrolment data shall be maintained at all times.

Without limitation on the generality of the foregoing, applicants, and any of their affiliates, shall be considered to have a conflict of interest and shall

not be empanelled, under any of the circumstances set forth below:

(i) Conflicting relationships: An applicant (including its Personnel and Sub- Agencies) that has a business or family relationship with a member of the UIDAI's staff who is directly or indirectly involved in any part of:

(a) The preparation of the Terms of Reference of the project/ assignment,

(b) The selection process for such project / assignment

(ii) Applicants have an obligation to disclose any situation of actual or potential conflict that impacts their capacity to serve the best interest of the UIDAI, or that may reasonably be perceived as having this effect. Failure to disclose said situations may lead to the disqualification of the Agency or the termination of its Empanelment.

(iii) Applicants shall furnish information on commissions and gratuities, if any, paid or to be paid to agents relating to this application and

during execution of the assignment if the applicant is awarded the Empanelment.

- (iv) The empanelled enrolling agencies will not be eligible to participate or under-take any activities related to the Testing and Certification or Audit work component of UID project.

11.15 Only one application: An applicant may only submit one proposal on its own. If an applicant submits more than one proposal on its own, all such subsequent proposals shall be disqualified.

11.16 Amendment: At any time prior to deadline for submission of applications, UIDAI may for any reason, modify this document. The amendment document shall be notified through website and such amendments shall be binding on all applicants.

11.17 Right to Inspect and Audit: UIDAI shall have the right to:

- (i) Carry out any inspection, background checks, audits of the empanelled enrolling agencies
- (ii) Verify any allegations made by/ made against the enrolling agencies

- (iii) Carry out scheduled/ un-scheduled visits to any of the enrolment centres/ stations manned by the enrolling agencies by authorized officials/ nominated agencies
- (iv) Oversee the processes and operations of the enrolling agencies
- (v) Impose decisions on empanelment status /empanelment tiers / Renewal request/ Upgrade of empanelment tiers, based on Performance Monitoring at the Enrolment Centres and data analysis

11.18 Disclaimer:

- (i) This Request for Empanelment (RFE) is not an offer by the UIDAI, but an invitation to receive responses from eligible interested applicants for Empanelment of Enrolling Agencies to undertake demographic and biometric data collection for UID enrollment. UIDAI will empanel such applicants who fulfill the eligibility criteria for awarding such work by various Registrars. No contractual obligation whatsoever shall arise from the RFE process.

- (ii) The RFE evaluation shall be strictly based on the information and supporting documents provided by the applicants in the application submitted by them. It is the responsibility of the applicants to provide all supporting documents necessary to fulfill the mandatory eligibility criteria. In case, information required by UIDAI is not provided by applicant, UIDAI shall proceed with evaluation based on information provided and shall not request the applicant for further information. Hence, responsibility for providing information as required in this form lies solely with applicant.

12. Annexure I – Covering Letter

(To be submitted on the Letter head of the applicant)

To,

The Assistant Director General,
Unique Identification Authority of India (UIDAI),
Planning Commission, Govt. of India (GoI),
3rd Floor, Tower II, Jeevan Bharati Building,
Connaught Circus, New Delhi – 110001.
Dear Madam,

Ref: Request for Empanelment (RFE) Notification No.
F. No. 4(4)57/237/ 2014-E & U dated 19th May,
2014.

1. Having examined the RFE document, we, the undersigned, herewith submit our response to your RFE Notification dated _____ for Empanelment of Enrolling Agencies under UID Project, in full conformity with the said RFE document. (in case of consortium, the names of the consortium partners shall be provided here)
2. We have read the provisions of the RFE document; the various process documents referred to in this RFE and familiarized ourselves with them, and confirm that these are acceptable to us. We further declare that additional conditions, variations, deviations, if any, found in our RFE shall not be given effect to.
3. We agree to abide by this RFE, consisting of this letter, the detailed response to the RFE and all attachments for submission of proposal as stipulated in the RFE document.
4. We would like to declare that we are not under a declaration of ineligibility for corrupt or fraudulent practices.

5. We hereby declare that we have not been blacklisted by any Central/ State/ UT Government /Public Sector Undertaking.
6. We hereby declare that our field enrolments are not currently suspended by UIDAI/ their Registrars and/or have been refused empanelment in the Aadhaar project, in the past by UIDAI for any reason.
7. We hereby declare that we have not been charged with any fraudulent activities by any Central/ State/ UT Government / Public Sector Undertaking.
8. We hereby declare that we are a non-political and non-denominational organization with no affiliation to any political parties or religion (Applicable to NGOs and Not-for-profit organisations).
9. We hereby declare that all the information and statements made in this RFE are true and accept that any misrepresentation contained in it may lead to our disqualification.
10. We understand that UIDAI is not bound to short-list / accept any proposal received in response to this RFE.

11. We understand that Empanelment with UIDAI does not guarantee that every / any of the applicants shall be invited to bid for, or be awarded a project / assignment.

12. In case we are empanelled as an Enrolling Agency, we shall provide all assistance/cooperation required by UIDAI appointed auditing agencies/ UIDAI officials for performing their auditing and inspection functions. We understand that our non- cooperation for the same shall be grounds for termination of empanelment.

13. In case we are empanelled as an Enrolling Agency, we agree to abide by all the terms & conditions of the Letter of Empanelment that will be issued by UIDAL

We hereby declare that our proposal submitted in response to this RFE is made in good faith and the information contained is true and correct to the best of our knowledge and belief

Sincerely,

[Applicant's Name with seal]

Name:

Title:

Signature:

Date:

13. Annexure-II – Application Form for
EMPANELMENT

Sl. No.	Information required	Information to be provided by applicants
1.	Whether request is for New Empanelment/Renewal of Empanelment	
2.	Is it Single Agency Bid OR Consortium Bid:	
3.	Name of Single Agency/ Prime Agency (in case of Consortium):	
4.	In case of Consortium Bid, name of Consortium Members: a. b. c.	
5.	Legal Status of Single Agency/ Prime Agency: a. Whether Government/ Semi-Government/ PSU/ NGO/ Not for Profit/ Private etc.: b. PAN number of the Organization c. VAT/Service Tax Registration number of the Organization (Provide these above details for each consortium member, in case of a consortium bid)	
6.	Date of Incorporation of Single Applicant/ Consortium team members; and Name of Certificate of Incorporation	
7.	Brief Write-up on the Organization's activities and Business Areas in case of Private/ Commercial Organization/ PSU/ Govt. Company/ Autonomous Body (include details on each consortium member, in case of consortium bid):	
8.	In case of NGO/ Not for Profit, please provide the following information (include details of each consortium member also separately): a) Principal field(s) of activity/ operation b) Principal sources of funding c) Managing Committee/ Governing Body/ Office Bearers	
9.a	Contact Details of the CEO/Chairman/Managing Director. Name Designation Address Email Phone /FAX numbers	

--	--	--

Sl.N o.	Information required	Information to be provided by applicants
1.	Whether request is for New Empanelment/Renewal of Empanelment	
2.	Is it Single Agency Bid OR Consortium Bid:	
3.	Name of Single Agency/ Prime Agency (in case of Consortium):	
4.	In case of Consortium Bid, name of Consortium Members: a. b. c.	
5.	Legal Status of Single Agency/ Prime Agency: a. Whether Government/ Semi-Government/ PSU/ NGO/ Not for Profit/ Private etc.: b. PAN number of the Organization c. VAT/Service Tax Registration number of the Organization (Provide these above details for each consortium member, in case of a consortium bid)	
6.	Date of Incorporation of Single Applicant/ Consortium team members; and Name of Certificate of Incorporation	
7.	Brief Write-up on the Organization's activities and Business Areas in case of Private/ Commercial Organization/ PSU/ Govt. Company/ Autonomous Body (include details on each consortium member, in case of consortium bid):	
8.	In case of NGO/ Not for Profit, please provide the following information (include details of each consortium member also separately): a) Principal field(s) of activity/ operation b) Principal sources of funding c) Managing Committee/ Governing Body/ Office Bearers	

9.a	Contact Details of the CEO/Chairman/Managing Director. Name Designation Address Email Phone /FAX numbers																																
	Contact Details of the nodal person for Aadhaar project. Name of Nodal Person Designation Address Email Phone /FAX numbers																																
9.b	In case of renewal, brief details of the contract signed with the Registrar /activities undertaken for UIDAI project. Details of Bids made be included in case no contracts were awarded.																																
9.c	Give reasons, if any, for non- participation in RFQ floated by Registrars																																
10.	In case of renewal whether certificate of satisfactory performance from Registrars is submitted by EA.																																
11.	Net Worth of the Single Agency/ Prime Agency in each of the previous 3 financial years ending 31 st March 2011 , 2012 and 2013 in case of a Private/ Commercial organization/ PSU/ Govt. Company/ Autonomous Body, duly certified by the Company Auditor (do not include intangible assets) Existing empanelled EAs should only submit accounts/Auditor's certificate for 2012-13. However, they should provide the information for all 3 years in this form.	Provide this information for each of the previous 3 years <table border="1"> <thead> <tr> <th colspan="2">Assets in INR</th> <th colspan="2">Liabilities in</th> </tr> </thead> <tbody> <tr> <td>Current Assets</td> <td></td> <td>Short term</td> <td></td> </tr> <tr> <td>Fixed Assets</td> <td></td> <td>Long term</td> <td></td> </tr> <tr> <td>Long term</td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Total Assets (A)</td> <td></td> <td>Total Liabilities</td> <td></td> </tr> <tr> <td colspan="2">Total Net Worth as of (A-B)</td> <td colspan="2"></td> </tr> </tbody> </table>				Assets in INR		Liabilities in		Current Assets		Short term		Fixed Assets		Long term		Long term								Total Assets (A)		Total Liabilities		Total Net Worth as of (A-B)			
Assets in INR		Liabilities in																															
Current Assets		Short term																															
Fixed Assets		Long term																															
Long term																																	
Total Assets (A)		Total Liabilities																															
Total Net Worth as of (A-B)																																	
12.	Net Worth of Single Agency/ Prime Agency in each of the previous 3 financial years ending 31 st March 2012, 2013 and 2014, in case of Private/ Commercial organization/ PSU/ Govt. Company/ Autonomous Body, duly certified by the Auditor and as evidenced from the provided Financial. Existing	<table border="1"> <thead> <tr> <th>Financial Year</th> <th>Net Worth in INR Lac</th> </tr> </thead> <tbody> <tr> <td>2011-12</td> <td></td> </tr> </tbody> </table>				Financial Year	Net Worth in INR Lac	2011-12																									
Financial Year	Net Worth in INR Lac																																
2011-12																																	

467

		2012-13												
		2013-14												
13.	<p>Turnover/ Grants in Aid of Single Agency/ Prime Agency in each of the previous 3 financial years ending 31st March 2012 ,2013, 2014 ,in case of NGO/ Not-for-Profit, duly certified by the Auditor</p> <p>Existing empanelled EAs should only submit accounts/Auditor's certificate for 2013-14. However, they should provide the information for all 3 years in this form.</p>	<table border="1"> <tr> <th>Financial Year</th><th>Turnover in INR Lac</th><th>Grants-in-Aid in INR LAC</th></tr> <tr> <td>2011-12</td><td></td><td></td></tr> <tr> <td>2012-13</td><td></td><td></td></tr> <tr> <td>2013-14</td><td></td><td></td></tr> </table>	Financial Year	Turnover in INR Lac	Grants-in-Aid in INR LAC	2011-12			2012-13			2013-14		
Financial Year	Turnover in INR Lac	Grants-in-Aid in INR LAC												
2011-12														
2012-13														
2013-14														
14.	Profitability (Profit Before Tax)	<table border="1"> <tr> <th>Financial Year</th><th>Profits in INR Lac</th></tr> <tr> <td>2011-12</td><td></td></tr> <tr> <td>2012-13</td><td></td></tr> <tr> <td>2013-14</td><td></td></tr> </table>	Financial Year	Profits in INR Lac	2011-12		2012-13		2013-14					
Financial Year	Profits in INR Lac													
2011-12														
2012-13														
2013-14														
15.	Locations where the organization and its consortium members have offices:													
16.	In case of Organization that wish to empanel into Level T2/T3, number of successful Aadhaar enrolments completed (Provide State wise information)													
17.	<p>Names of States/ UTs in which the Agency is interested to undertake enrolment work:</p> <p>(This information is mandatory. Please note that the number of the States/ UTs provided here should match with the Tier F1, Tier F2, Tier F3 and Tier F4 specifications given for assessment of financial capacity i.e. in terms of number of States)</p>													

468

I/We hereby declare that our request, in response to this RFE, is made in good faith and the information contained is true and correct to the best of our knowledge and belief.

Sincerely,

[Applicant's Name with seal]

Signature:

Place

Name:

Dated

Designation:

The applicant should submit information in the above format and should mandatorily provide all supporting documents as mentioned, in hard copies, and should send them at the following address:

To

The Deputy Director,
Enrolment and Update Division
Unique Identification Authority of India (UIDAI),
Planning Commission, Govt. of India (GoI),
2nd Floor, Tower I,
Jeevan Bharati Building,
Connaught Circus,
New Delhi - 110001.

469

14. Annexure-III – Letter of Bank Guarantee

Dear Sirs,

Guarantee No. _____
Amount of Guarantee _____
Guarantee cover from _____
Last date for lodgment of claim _____

This Deed of guarantee executed by the
(name of Bank) having its Central Office at
..... and amongst other places, a Branch at
_____ (hereinafter referred to as 'the
Bank') in favour of _____ (hereinafter
referred to as 'the Beneficiary') for an amount not
exceeding Rs (Rupees _____) at the
request of (hereinafter referred to as 'the
Contractor/s').

This Guarantee is issued subject to the condition
that the liability of the Bank under this Guarantee
is limited to a maximum of Rs. _____
(Rupees) and the Guarantee shall remain in full force
up to _____ (Date of expiry) and cannot

470

be invoked otherwise than by a written demand or claim under this Guarantee served on the Bank on or before the _____ (last date of the claim).

BANK GUARANTEE

To

(name and address of purchaser)

Dear Sir,
BANK GUARANTEE
WHEREAS

.....(Company name), a company registered under the Companies Act, 1956 having its registered and corporate office at hereinafter referred to as "our constituent", Which expression, unless excluded or repugnant to the context or meaning thereof, includes its successors and assigns), agreed to enter into a Contract dated _____ (Herein after, referred to as "contract") with (name of the purchaser) as detailed in the said contract.

We are aware of the fact that as per the terms of Empanelment, _____ (Company name) is required to furnish an unconditional and irrevocable Bank Guarantee in your favour for an amount INR

_____ (in words) and guarantee the due by our constituent as per the Empanelment and do hereby agree and undertake to pay any and all amount due and payable under this bank guarantee, as security against breach / default of the said Empanelment by our Constituent. In Consideration of the fact that our constituent is our valued customer and the fact that he has entered into the said Empanelment with you, we (Name and Branch of Bank) have agreed to issue this Bank Guarantee.

Therefore, we (Name and Branch of Bank) hereby unconditionally and irrevocably guarantee you as under:

In the event of our constituent committing any breach/default of the Terms and Conditions of the said Empanelment, and which has not been rectified by him in given timeframe, we hereby agree to pay you forthwith on demand such sum/s not exceeding the sum of INR _____ (Amount in words) without any demur.

Notwithstanding anything to the contrary, as contained in the said Empanelment, we agree that

472

UIDAI's decision as to whether our constituent has made any such default(s) / breach(es), as aforesaid and the amount or amounts to which you are entitled by reasons thereof, subject to the terms and conditions of the said Empanelment, will be binding on us and we shall not be entitled to ask you to establish your claim or claims under this Bank Guarantee, but will pay the same forthwith on your demand without any protest or demur.

We bind ourselves to pay the above said amount at any point of time commencing from the date of the issue of this Bank Guarantee till (date) _____ as per said Empanelment.

We further agree that the termination of the said Agreement, for reasons solely attributable to our constituent, virtually empowers you to demand for the payment of the above said amount under this guarantee and we would honor the same without demur.

We hereby expressly waive all our rights:

- (i) Requiring beneficiary to pursue legal remedies against (Company name) for notice of

acceptance hereof any action taken or omitted in reliance hereon, of any defaults under the Empanelment and any resentment, demand, protest or any notice of any kind.

We the Guarantor, as primary obligor and not merely Surety or Guarantor of collection, do hereby irrevocably and unconditionally give our guarantee and undertake to pay any amount you may claim (by one or more claims) up to but not exceeding the amount mentioned aforesaid during the period from and including the date of issue of this guarantee through the period.

We specifically confirm that no proof of any amount due to you under the Empanelment is required to be provided to us in connection with any demand by you for payment under this guarantee other than your written demand.

Any notice by way of demand or otherwise hereunder may be sent by special courier, telex, fax, registered post or other electronic media to our address, as aforesaid and if sent by post, it shall be

474

deemed to have been given to us after the expiry of 48 hours when the same has been posted.

If it is necessary to extend this guarantee on account of any reason whatsoever, we undertake to extend the period of this guarantee on the request of our constituent under intimation to you.

This Bank Guarantee shall not be affected by any change in the constitution of our constituent nor shall it be affected by any change in our constitution or by any amalgamation or absorption thereof or therewith or reconstruction or winding up, but will ensure to the benefit of you and be available to and be enforceable by you during the period from and including the date of issue of this guarantee through the period.

Notwithstanding anything contained herein above, our liability under this Bank Guarantee is restricted to INR(Amount in words) and shall continue to exist, subject to the terms and conditions contained herein, unless a written claim is lodged on us on or before the aforesaid date of expiry of this guarantee.

We hereby confirm that we have the Power/s to issue this Guarantee in your favour under the Memorandum and Articles of Association/Constitution of our bank and the undersigned is/are the recipient of authority by express delegation of power/s and has/have full power/s to execute this guarantee under the power of Attorney issued by the bank in your favour.

We further agree that the exercise of any of your rights against our constituent to enforce or forbear to enforce or any other indulgence or facility, extended to our constituent to carry out the contractual obligations as per the said Contract, would not release our liability under this guarantee and that your right against us shall remain in full force and effect, Notwithstanding any arrangement that may be entered into between you and our Constituent, during the entire currency of this guarantee.

Any payment made hereunder shall be free and clear of and without deduction for or on account of taxes, levies, imports, charges, duties, fees, deductions or withholding of any nature imposts.

476

This Bank Guarantee must be returned to the bank upon its expiry. If the bank does not receive the Bank Guarantee within the above-mentioned period, subject to the terms and conditions contained herein, it shall be deemed to be automatically cancelled.

This guarantee shall be governed by and construed in accordance with the Indian Laws and we hereby submit to the exclusive jurisdiction of courts of Justice in India for the purpose of any suit or action or other proceedings arising out of this guarantee or the subject-matter hereof brought by you may not be enforce in or by such court.

Notwithstanding anything contained herein:

Our liability under this Bank Guarantee shall not exceed INR(Amount in words).

This Bank Guarantee shall be valid only up to (date)

We are liable to pay the guaranteed amount or part thereof under this Bank Guarantee only and only if we receive a written claim or demand on

477

or before _____ (date). Dated _____ this day _____
2014.

Yours faithfully,

For and on behalf of the _____ Bank,

(Signature)
Designation

(Address of the Bank)

Note: This guarantee will attract stamp duty as a security bond.

A duly certified copy of the requisite authority conferred on the official/s to execute the guarantee on behalf of the bank should be annexed to this guarantee for verification and retention thereof as documentary evidence.

15. Annexure-IV - Draft Terms and Conditions of Empanelment

1. Purpose

Empanelment of Enrolling Agencies (EA) for undertaking demographic and biometric data collection for UID enrolment.

2. Name of Empanelling Authority

Unique Identification Authority of India (UIDAI)

3. Period of Empanelment

The period of empanelment is 3year from the date of issuance of the empanelment letter or as extended as per the discretion of UIDAI.

4. Relationship

- a) Empanelment shall not be construed as relationship of master and servant or of principal and agent as between the 'UIDAI and Empanelled Enrolling Agency (EA). No partnership shall be constituted between UIDAI and the EA by virtue of this Empanelment nor shall either party have powers to make, vary or release contractual obligations on behalf of the other party or represent that by virtue of this or any other Empanelment a partnership has been constituted, or that it has any such power. The

EA shall be fully responsible for the services performed by them.

- b) Neither party shall use the other parties name or any service or proprietary name, mark or logo of the other party for advertising or promotional purpose without first having obtained the other party's prior written approval.
- c) Empanelment shall not guarantee that all EAs shall be invited to bid for, or be awarded any project / assignment as a result of this empanelment.

5. Termination/ Cancellation of Empanelment

UIDAI reserves the right to terminate Empanelment of an EA due to any of the reasons mentioned hereunder:

- i. Submission of false particulars/ fake documents for securing empanelment.
- ii. Non-adherence to the UIDAI enrolment processes and guidelines, which includes use of latest enrolment client version, timely client sync and upload of resident data packets.

- iii. Evidence of sub-contracting of enrolment work.
- iv. Consistent poor quality of biometrics and demographic data.
- v. Usage of biometric devices which are not certified by UIDAI.
- vi. Deploying Enrolment Operators/supervisors who either do not have their Aadhaar generated and/or are uncertified and /or inactive as per UIDAI activation protocols.
- vii. Mismanagement of the enrolment centres.
- viii. Non-provision of necessary infrastructure at the enrolment centres.
- ix. Poor performance reports/Complaints received against the Enrolment Agency.
- x. Information provided to UIDAI is found to be incorrect.
- xi. Non co-operation during audits/inspections by UIDAI / Registrars / auditing agencies empanelled/ appointed by these.
- xii. Conditions arising from audits are not met within the specified time period.

- xiii. Misleading claims are made about the empanelment status.
- xiv. EA becomes insolvent, bankrupt or a resolution is passed for the winding up of the EA's organization.
- xv. Empanelment conditions are not met within the specified time period.
- xvi. Significant changes to the organization leading to change of management, or in the course of being conducted, are not notified to UIDAI.
- xvii. Clear evidence is received that empanelled agency is in breach of copyright.
- xviii. Not maintaining the confidentiality of the documents, data collected, or any other. Violation of UIDAI data security guidelines for Enrolment Agencies.
- xix. Undertaking enrolment operations at locations without valid agreement/approval with the Registrars.
- xx. Soliciting information outside the scope of work.

- xxi. Any other reasons deemed fit by the UIDAI for termination/ cancellation of empanelment.
- xxii. Non-adherence to time frame for uploading enrolment packets.
- xxiii. Poor Performance Report from Performance Monitors.
- xxiv. EA does not upload or uploads incorrect details about enrolment centres.

6. Renewal and Updates to Empanelment

The empanelment shall be valid for duration of three years subject to compliance of all requirements. The EA shall pay the prescribed fees at the time of renewal of empanelment. Updating the list of empanelled EAs on website shall be done every time changes are made to the list. Updates shall include selection of new agencies for empanelment, up-gradation in Level/ Tier for existing empanelled EAs and dis-empanelment of existing EAs not conforming to UIDAI specified standards/ processes /guidelines for enrolment. However, UIDAI reserves the right to change the renewal terms

and duration based on its discretion at any point of time. Performance Monitoring Reports of Enrolment Centers along with other MIS will be considered for renewal of empanelment.

7. Performance Assessment

EA's performance will be assessed during the execution of the project/ assignment and any deficiencies and short-falls may impact their empanelment/renewal. EAs will be penalized for data and process errors as per the policy framed and revised by UIDAI from time to time.

8. Fraud and Corruption

UIDAI requires that the EA/Consortium must observe the highest standards of ethics during the performance and execution of the awarded contract(s). UIDAI will terminate the empanelment, if it determines that the empanelled EA has been engaged or indirectly, in competing for a contract, or execution of a contract.

9. Confidentiality

The EA/ Consortium and the personnel of either of them, shall not disclose any proprietary or confidential information relating to the Project, the Services, or the Contract without the prior written consent of the UIDAI. Strict confidentiality of the resident demographic and biometric information shall be maintained at all times.

10. Advertising and Promotion

The advertisement and marketing material (posts, marketing brochure content on the website, emails and postal letters etc.) used by the EAs shall be in accordance with the guidelines laid down by UIDAI. The EAs shall not use the Name of UIDAI, its brand name-AADHAAR, and its Logo, to promote their interest in any manner in any programme not connected / related or being undertaken for UIDAI.

11. Indemnity

The EA will indemnify UIDAI against any misuse of UIDAI Name, Brand Name- AADHAAR and Logo. For any misuse of UIDAI name and logo, the EA itself will be held responsible. UIDAI will take necessary

actions for such cases. UIDAI will not be responsible for any miscommunication or harm caused to any party because of any misrepresentation of its name and logo by the EA.

12. Conflict of Interest

UIDAI considers a conflict of interest to be a situation in which the EA has interests that could improperly influence the EA's performance of duties or responsibilities, contractual obligations, or compliance with applicable standards, laws, and regulations, and that such conflict of interest may contribute to or constitute a prohibited corrupt practice. UIDAI requires that EA shall provide professional and objective services and at all times hold the UIDAI's interests paramount, strictly avoid conflicts of interest with other assignments or its own corporate interests and act without any consideration for future work. Without limitation on the generality of the foregoing, EA, and any of its affiliates, shall be considered to have a conflict of interest under any of the circumstances set forth below:

- i. The EA and any of its affiliates/ consortium members/ personnel/ that has a business of family relationship with a member of the UIDAI's staff who is directly or indirectly involved in any part of the preparation of the Terms of Reference of the project/assignment, to the selection process for such project/ assignment.
- ii. EA shall have an obligation to disclose any situation of actual or potential conflict that impacts its capacity to serve the best interest of the UIDAI, or that may reasonably be perceived as having this effect. Failure to disclose said situations may lead to the disqualification of the Agency or the termination of its Empanelment.
- iii. EA shall furnish information on commissions and gratuities, if any, paid or to be paid to agents relating to this application and during execution of the assignment.
- iv. The empanelled EA will not be eligible to participate or under-take any activities related to

the Testing and Certification of Audit work component of UID project.

13. The EA shall not be permitted to sub-contract any part of its obligations, duties, or responsibilities under this empanelment scheme and the ensuring contracts with the Registrars.

14. Rights of use

All rights of use of any process, product, service, or data developed, generated, or collected, or any other task performed by the EA during the execution of the assignment/ project related to demographic and biometric data collection for UID enrolment, would lie exclusively with the UIDAI or its nominated agencies in perpetuity free from all liens, encumbrances and other third party rights and the EA shall, wherever required, take all steps that may be necessary to ensure the transfer of such rights in favour of the UIDAI or its nominated agencies.

15. Right to Inspect and Audit

UIDAI shall have the right to:

- i. Carry out any inspection, background checks, audits of the empanelled enrolling agencies
- ii. Verify any allegations made by/ made against the enrolling agencies
- iii. Carry out scheduled/ un-scheduled visits to any of the enrolment centres/ stations manned by the enrolling agencies by authorized officials/ nominated agencies
- iv. Oversee the processes and operations of the enrolling agencies

16. Intellectual Property Rights

- i. UIDAI reserves intellectual property rights of all processes, standards, software, document, training content or other material, being provided to the EA for performing its duties and obligations towards demographic and biometric data collection for UID enrolment.

17. Privacy & Security

The EA must ensure that the data is kept in a very secure and confidential manner and under no circumstances, shall they neither use the data

themselves nor part with the data to any other agency other than the UIDAI. Mechanisms to ensure the same have to be put in place by the EA and shall be subject to audit by UIDAI/ its representative from time to time. The EAs must familiarize themselves and strictly adhere and comply with the data security guidelines issued by UIDAI from time to time.

18. General

- i. The terms and conditions of this empanelment between UIDAI and EA shall be treated as confidential and shall not be disclosed without the prior permission of UIDAI. However, this information may be disclosed to person or body with legal right to know the information.
- ii. All contracts and documents shall be written in English language
- iii. No variation to this empanelment letter shall be effective unless and until accepted in writing by authorized signatories of both parties.
- iv. The interpretation validity, and performance of this document, shall be governed in all respects

in accordance with the Indian Laws and the parties hereto hereby submit to the exclusive jurisdiction of Delhi courts.

- v. The EA may be representing the Registrar and UIDAI post selection and appointment by the Registrar. Any work as and when required for smooth and timely execution of the project may be supported by the EA. Registrar and UIDAI may make all possible efforts to provide support and help to the extent possible; however the final responsibility of the same may rest with the EA.

19. Bank Guarantee

Breach/default of the Terms and Conditions of the said Empanelment, and non-compliance with directions to rectify in given time frame will result in invoking of the Bank Guarantee.

We undertake that we have read the above Terms and Conditions carefully and we agree to abide by all the conditions mentioned herein and that with the signing of this letter of acceptance we have

491

bound ourselves to the terms and conditions mentioned herein. We state that we have signed all pages of this document as our acceptance. We further state, that the signing of this acceptance does not give us guarantee to be chosen as the Enrolling Agency for any Registrar.

Sign:

Co Seal:

Name:

Designation:

Date:

//True Copy//